

FEDERAL REGISTER

VOLUME 17 1934 NUMBER 144

OF THE UNITED STATES

Washington, Thursday, July 24, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

U. S. PUBLIC HEALTH SERVICE

Effective July 1, 1952, the maximum stipend prescribed in § 27.2 for Medical Record Interns, U. S. Public Health Service, is increased from \$1,340 to \$1,800. Section 27.2, as amended, will read in pertinent part as follows:

• § 27.2 *Maximum stipends prescribed.*

Medical record interns—U. S. Public Health Service: One year approved training, after a minimum of three years college level training; \$1,800.

(61 Stat. 727; 5 U. S. C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-8095; Filed, June 23, 1952; 8:55 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Miscellaneous Regulations

[FHA Instruction 123.2]

PART 387—SALE OF ABSTRACTS OF TITLE

Sec.

387.1 General.

387.2 Sales authority.

387.3 Sales.

AUTHORITY: §§ 387.1 to 387.3 issued under sec. 203 (c), 63 Stat. 385; 40 U. S. C. 494 (c). Interpret or apply sec. 203 (a), (b), 63 Stat. 385; 40 U. S. C. 494 (a), (b).

§ 387.1 *General.* Government-owned abstracts of title covering lands in which the Government no longer has any inter-

est will be considered surplus personal property and sold. By memorandum dated February 27, 1952, the Administrator, General Services Administration, authorized the Secretary of Agriculture to dispose of surplus property abstracts under his jurisdiction without further report of such abstracts to that Administration.

§ 387.2 *Sales authority.* State Directors, State Field Representatives, and County Supervisors are authorized to dispose of surplus abstracts of title as outlined in this part. Area Finance Office officials have negotiated sales authority.

§ 387.3 *Sales.* Sales of surplus abstracts of title will be for cash and generally will be negotiated in cases where the reasonable recovery value involved in any one sale does not exceed \$500. In the event it appears that the reasonable recovery value in any one sale will exceed \$500, it is required that such abstracts be advertised for sale. All abstracts covering land owned by a particular individual may be sold to him as a unit, even though they cover separate, non-contiguous tracts. When the property owner has evidenced no interest in buying them, such abstracts may be sold as a unit to abstract companies or to others.

(a) *Negotiated sales.* When equal offers are received from owners and others, the sale should be made to the owners. In those cases where an abstract covers a tract of land which has been subdivided, and the land interests are held by several parties, determination should be made as to whether they wish to purchase the abstract jointly. If all of them are not interested in making a joint purchase of the abstract, the abstract may be sold to any one or more of the several owners who are interested in buying it.

(b) *Advertised sales.* If there should be cases where it appears that the reasonable recovery value of surplus abstracts of title in any one sale will exceed \$500, the Area Finance Office will furnish the State Office with the required invitation to bid forms and necessary instruction for handling the

(Continued on p. 6757)

CONTENTS

Agriculture Department	Page
See Farmers Home Administration; Production and Marketing Administration.	
Alien Property, Office of	
Notices:	
Vesting orders:	
Benz, Albert.....	6806
Roeffs, Felix.....	6806
Unknown German national..	6806
Civil Aeronautics Board	
Proposed rule making:	
Special civil air regulation; emergency evacuation provisions for transport type airplanes.....	6791
Civil Service Commission	
Rules and regulations:	
Exclusion from provisions of the Federal Employees Pay Act of 1945, as amended, and the Classification Act of 1949, as amended, and establishment of maximum stipends for positions in government hospitals filled by student or resident trainees; U. S. Public Health Service.....	6755
Commerce Department	
See International Trade, Office of; National Production Authority.	
Customs Bureau	
Notices:	
Dicalcium phosphate; tariff classification.....	6792
Rules and regulations:	
Vessels in foreign and domestic trades; fees for recording instruments of title for vessels..	6760
Economic Stabilization Agency	
See Price Stabilization, Office of.	
Farmers Home Administration	
Rules and regulations:	
Sale of abstracts of title.....	6755
Federal Power Commission	
Notices:	
Hearings, etc.:	
Connecticut Light and Power Co.....	6799
Mississippi River Fuel Corp..	6799
Northern Natural Gas Co....	6800
	6755



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended: 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

REVISED BOOKS

TITLE 32 of the Code of Federal Regulations

Title 32, containing the regulations of the Department of Defense and other related agencies, has been completely revised. Originally a single book, Title 32 is being reissued as two books as follows:

Parts 1-699 (\$5.00)
Part 700 to end (to
be announced)

These books contain the full text of regulations in effect on December 31, 1951

Order from
Superintendent of Documents, Government
Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Power Commission—	Page
Continued	
Notices—Continued	
Hearings, etc.—Continued	
Panhandle Eastern Pipe Line Co.....	6799
Texas Eastern Transmission Corp.....	6799
Fish and Wildlife Service	
Designation of Acting Director and Acting Assistant Director (see Interior Department).	
General Services Administration	
Rules and regulations:	
Manganese regulations; domestic manganese program.....	6777

CONTENTS—Continued

Interior Department	Page
See also Land Management, Bureau of.	
Notices:	
Alaska:	
Proposed withdrawal for Department of Army of public lands in Susitna Flats Area near Anchorage; notice of hearing.....	6796
Rights-of-way for highways.....	6795
Delegations of authority; general.....	6793
Fish and Wildlife Service; designation of Acting Director and Acting Assistant Director.....	6796
Heads of bureaus and agencies; redelegation of authority to transfer, donate, or dispose of excess or surplus real property.....	6795
International Trade, Office of	
Notices:	
O. B. Haufstadter Co. et al; order revoking and denying license privileges.....	6796
Interstate Commerce Commission	
Notices:	
Applications for relief:	
Carrots and other vegetables from points in Texas to points in official, southern, and western territories.....	6804
Cement from Kansas City and Sugar Creek, Mo., to points in Kansas.....	6804
Class rates between points in South Carolina, Georgia, Tennessee, and Illinois.....	6805
Crushed stone from Georgia, Ind., to:	
Flora, Ill.....	6805
Iuka, Ill.....	6805
Liquid asphalt from Salisbury and Thrift, N. C., to points in North Carolina and South Carolina.....	6805
Petroleum products and asphalt from points in Montana and Wyoming to points in Minnesota and Wisconsin.....	6804
Sand and gravel from Vincennes, Ind., to Flora, Ill.....	6804
Justice Department	
See Alien Property, Office of.	
Labor Department	
See also Wage and Hour Division.	
Notices:	
Special Assistant to Secretary; delegation of authority with respect to recruitment of Mexican workers for agricultural employment in the United States.....	6798
Land Management, Bureau of	
Notices:	
Alaska; transfer of jurisdiction of interest.....	6792

CONTENTS—Continued

National Production Authority	Page
Rules and regulations:	
Aluminum:	
(M-5).....	6763
Destructive purposes, for (M-84).....	6768
Distributors (M-88).....	6769
Basic rules of the controlled materials plan (CMP Reg. 1):	
Amendment of section 17 (d).....	6762
Amendments of Schedules I, III, and IV.....	6762
Basic rules of the priorities system; restrictions upon use of ratings (Reg. 2, Dir. 3).....	6774
Construction; miscellaneous amendments (CMP Reg. 6).....	6763
Designation of scarce materials and withdrawal of previous designation (DSM-1).....	6775
Distribution of controlled materials to retailers; deletion of aluminum items from schedule (M-89).....	6771
Inventory control (NPA Reg. 1).....	6771
Iron and steel—alloying materials and alloy products; chromium and chromium nickel (M-80, Sched. C).....	6766
Price Stabilization, Office of	
Rules and regulations:	
Adjustment of ceiling prices of manufacturers and distributors of fresh and semi-dry sausage made in whole or in part from beef or stuffed in sheep casings; required statement (GCPR, SR 34, Int. 1).....	6762
Apparel manufacturers' general ceiling price regulation; election to use regulation for a category of articles (CPR 45, Int. 1).....	6761
Beef:	
Ceiling prices at retail; permissible additions on the retail sale of primal cuts (CPR 25, Int. 4).....	6761
Revised ceiling prices of items sold at retail; necessity for grading of beef where required to be sold at no more than utility grade prices (CPR 25, Int. 5).....	6761
Ceiling prices for eating and drinking establishments; civic events (CPR 134).....	6761
Production and Marketing Administration	
Proposed rule making:	
Milk handling in Puget Sound, Wash., marketing area.....	6777
Rules and regulations:	
Cigar-filler and binder tobacco marketing quota regulations, 1953-54 marketing year.....	6758
Grading and inspection of dairy products; application and contract of agreement.....	6757
Sugar:	
Allotment of quotas; Puerto Rico, 1952.....	6759
Quotas and prorations of quota deficits; 1952 determination and prorations of area deficit.....	6758

CONTENTS—Continued

Securities and Exchange Commission	Page
Notices:	
Hearings, etc.:	
Columbia Gas System, Inc., and Natural Gas Company of Virginia	6802
Duquesne Light Co.	6803
Electric Bond and Share Co.	6802
G. W. Ziller, Inc.	6800
Horton, Robert E.	6801
John C. Roche & Co.	6802
New England Gas and Electric Association and Algonquin Gas Transmission Co.	6803
Stampley & Co.	6801

Treasury Department

See Customs Bureau.

Wage and Hour Division

Notices:

Application to include manufacture of citrus molasses in Florida within the Citrus Pulp and Waste Dehydrating Industry in Florida and Texas, which has been determined to be of a seasonal nature; notice of denial of petition for review	6798
Learner employment certificates; issuance to various industries	6798

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5	Page
Chapter I:	
Part 27	6755
Title 6	
Chapter III:	
Part 387	6755
Title 7	
Chapter I:	
Part 58	6757
Chapter VII:	
Part 723	6758
Chapter VIII:	
Part 813	6758
Part 814	6759
Chapter IX:	
Part 925 (proposed)	6777
Title 14	
Chapter I:	
Part 40 (proposed)	6791
Part 41 (proposed)	6791
Part 42 (proposed)	6791
Part 45 (proposed)	6791
Part 61 (proposed)	6791
Title 19	
Chapter I:	
Part 4	6760
Title 32A	
Chapter III (OPS):	
CPR 25, Int. 4	6761
CPR 25, Int. 5	6761
CPR 45, Int. 1	6761
CPR 134	6761
GCPR, SR 34, Int. 1	6762
Chapter VI (NPA):	
CMP Reg. 1 (2 documents)	6762

CODIFICATION GUIDE—Con.

Title 32A—Continued	Page
Chapter VI (NPA)—Continued	
CMP Reg. 6	6763
DSM-1	6775
M-5	6763
M-80, Sched. C	6766
M-84	6768
M-88	6769
M-89	6771
Reg. 1	6771
Reg. 2, Dir. 3	6774
Chapter XIV (GSA)	6777

matter and for the return of the bid docket to the Area Finance Office for execution of the contract of sale by an authorized contracting officer.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

JULY 7, 1952.

Approved: July 18, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-8092; Filed, July 23, 1952;
8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 58—GRADING AND INSPECTION OF DAIRY PRODUCTS

APPLICATION AND CONTRACT OF AGREEMENT

The United States Department of Agriculture hereby issues a revised form of application for grading service on a written agreement basis, as hereinafter set forth. This form of application shall supersede, with respect to dairy products, the currently effective Application and Contract of Agreement for Grading Service, Forms DA-154 and DA-154-1, issued under the regulations governing the Sampling, Grading, Grade Labeling, and Supervision of Packaging of Butter, Cheese, and Eggs (7 CFR Part 55).

Whenever any person desires grading service to be rendered by the Administration at any plant for class, quality, or condition of butter, cheese, or other manufactured or processed dairy products, pursuant to applicable regulations (7 CFR Part 58) of the Department, he may apply for such service by submitting to the Administrator, a properly completed application, in triplicate, in the form herein set forth. Upon approval of the application by the Administrator, it shall become the agreement providing for grading service at such plant or plants. Those firms now under contract will be required to execute the revised form prior to the date this application and contract of agreement becomes effective. This application form specifies the terms and conditions under which service shall be performed (including the extent of financial obligations to be assumed by the applicant) in accordance with the aforesaid regulations. Such

regulations are currently operative pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et. seq.) and the Department of Agriculture Appropriation Act of 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

The Department finds that it is impractical, unnecessary, and contrary to public interest to give preliminary notice, engage in public rule-making, or postpone the effective date of this application and contract of agreement until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that (1) no purpose would be served thereby, because the revised form of application and contract of agreement contains essentially the same provisions, with slight revisions and additions with respect to dairy products, as the application and contract of agreement currently in effect; (2) the total charges for service are revised slightly upward to provide additional revenue calculated to cover current operating deficiencies and, therefore, a delay would be adverse to program efficiency; (3) the charges are reasonable, and as nearly as may be to cover the cost of the service rendered as required by the aforesaid Department of Agriculture Appropriation Act of 1953; and (4) no additional requirements are included with respect to applicants' compliance with the regulations; therefore, this revised form of application and contract of agreement here issued is to become effective August 1, 1952.

The form of application and contract is as follows:

APPLICATION AND CONTRACT OF AGREEMENT

§ 58.201 *Form of application and contract of agreement for dairy products grading service on a written agreement basis.* Whenever any person desires grading service at a plant, pursuant to § 58.47 of the regulations, he shall apply for such service, on a written agreement basis, by submitting to the Administrator a properly completed application, in triplicate, in the following form:

APPLICATION AND CONTRACT OF AGREEMENT FOR DAIRY PRODUCTS GRADING SERVICE

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 58) governing the grading, inspection, sampling, grade labeling, and supervision of packaging of butter, cheese, and other manufactured or processed dairy products, for grading service at the following designated plant or plants:

Name of plant _____
Street address _____
City and State _____
Product _____
Service _____

(a) Upon approval of this application by the Production and Marketing Administration, United States Department of Agriculture (hereinafter referred to as "PMA"), PMA will furnish grading service in accordance with the terms and conditions hereof.

(b) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including such applicable instructions as may be issued from time to time by the Administrator), and such other terms and conditions as hereinafter enumerated.

(c) The applicant agrees to pay to PMA an amount equal to the full cost of the grading service rendered hereunder upon presentation of an invoice rendered by PMA for each calendar month. The full cost shall comprise such of the following items as may be due and may properly be included, from time to time, in the invoice or invoices covering the period or periods during which the grading service may be rendered:

(1) A charge for each plant survey to be computed on the basis of (1) the number of hours used in making the survey at the hourly rate specified in the Regulations, and (2) the actual cost to the Administration of the applicable travel and per diem expenses incurred;

(ii) An installation charge of \$50.00 to cover costs incurred by PMA in connection with the inauguration of the grading service and assignment of a Federal employee or licensee to the designated plant;

(iii) A charge equal to the gross salary costs incurred by PMA for each Federal employee or licensee assigned to the applicant's plant by PMA, including earned annual leave, and, if necessary, earned sick leave: *Provided*, That, no charge is to be made for salary costs for any assigned Federal employee or licensee at the designated plant while said employee or licensee is temporarily reassigned by PMA to perform grading service for other than the applicant;

(iv) A charge equal to the salary costs, travel and per diem expenses, including earned annual leave, incurred by PMA for any Federal employee or licensee whose services are required for relief purposes when the regularly assigned person is on annual or sick leave;

(v) A charge equal to the actual cost to PMA for any travel and per diem expense, or other expense, incurred by any Federal employee or licensee assigned to the plant while in the performance of grading service rendered the applicant;

(vi) A charge of an amount, not in excess of the actual cost to PMA, for the travel (including the cost of movement of household goods and dependents) and per diem expense with respect to each Federal employee who is transferred from an official station to the designated plant. Any such costs shall be subject to the concurrence of the applicant;

(vii) A charge included in salary costs, when applicable, equal to the Employer's Tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's Benefits under the Social Security System;

(viii) A charge in an amount equal to six and one-half percent (6½%) of the above said charges prescribed in (iii), (iv), and (v) hereof to cover the approximate cost incurred by PMA for fiscal, personnel, and budget services applicable to the Federal employee assigned; and

(ix) An administrative service charge per calendar month for each Federal employee or licensee, which shall be computed as follows:

- | | |
|--|---------|
| (1) For each grader or inspector in charge and regularly employed in the work..... | \$50.00 |
| (2) For each assistant grader or inspector regularly employed in the work..... | 20.00 |
| (3) For each sampler regularly employed in the work..... | 45.00 |
| (4) For each assistant sampler regularly employed in the work..... | 20.00 |
| (5) During any calendar month when no grader, inspector, or sampler is assigned (after inauguration of the service), a minimum service charge of twenty dollars (\$20.00) per month shall apply. | |

(d) Grading service on a contract basis under the terms hereby indicated shall be for not less than a period of two calendar months.

(e) The applicant shall designate, in writing, the employees of the applicant who will be required and authorized to furnish each Federal employee or licensee with such information as may be necessary for the performance of the grading service.

(f) The applicant shall confirm, in writing, his concurrence with the salary, work week, overtime (when required), annual and sick leave allowances, and other working conditions pertaining to the Federal employee or licensee assigned.

(g) The applicant shall furnish office space for the person assigned and such stenographic and clerical assistance as may be necessary in typing certificates and handling correspondence in connection with the grading service covered hereby.

(h) The applicant agrees to employ such manufacturing or processing methods and provide such facilities and equipment for handling, inspecting, grading, sampling, and identifying the product as may be necessary to conform to the Instructions of PMA. It is agreed that:

(a) PMA will authorize or license an adequate number of persons to perform the grading service covered hereby;

(b) PMA shall not be responsible for damages accruing through any acts of commission or omission on the part of any Federal employee or licensee;

(c) The provisions hereof shall continue in full force and effect from the effective date until suspended, withdrawn, or terminated, by (i) mutual consent of the applicant and PMA; (ii) written notice given by either party to the other to take effect on a specific date not less than 30 days from the date of the giving of such notice; (iii) one (1) day's written notice by PMA to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service as herein provided; or (iv) termination of the services requested herein pursuant to the provisions in the following paragraph (d);

(d) The services to be rendered hereunder shall be terminated by PMA at any time PMA, acting pursuant to any applicable laws, rules, or regulations, debar the applicant from receiving any further benefits of the service, or the services hereunder may be suspended or terminated at any time PMA concludes that the applicant has not conformed, or cannot conform, hereto;

(e) All terms used herein shall have the same meaning as when used in the aforesaid Regulations and Instructions;

(f) A Federal employee or licensee will be required to confine his activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by PMA: *Provided*, That, in no instance will the Federal employee or licensee assume the duties of management;

(g) No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom unless derived through the agreement made with a corporation for its general benefit.

By _____
(Applicant)

(Street)

(City) (State)

(Date)

Approved:
Date _____
By _____
(Title)

Production and Marketing
Administration, United
States Department of
Agriculture.

(Unless otherwise indicated herein the bills will be rendered to the applicant at the address indicated above.)

(Sec. 205, 60 Stat. 1090, Pub. Law 451, 82d Cong.: 7 U. S. C. 1624)

Issued at Washington, D. C., this 21st day of July 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Pro-
duction and Marketing Ad-
ministration.

[F. R. Doc. 52-8130; Filed, July 23, 1952;
8:59 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1023 (Cigar-Leaf-53)-3]

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

CIGAR-FILLER AND BINDER TOBACCO MARKETING QUOTA REGULATIONS, 1953-54 MARKETING YEAR

Correction

In F. R. Doc. 52-7965, appearing at page 6619 of the issue for Saturday, July 19, 1952, the following changes should be made:

1. In § 723.419 (a), the word "which" should be inserted between the words "farm" and "in" in the first line of the third column on page 6620.

2. The word "under" should be inserted between "made" and "§§ 723.411" in the headnote for § 723.427, so that the headnote now reads:

§ 723.427 *Approval of determinations made under §§ 723.411 to 723.426.*

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas [Sugar Reg. 813, Amdt. 2]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

1952 DETERMINATION AND PRORATION OF AREA DEFICIT

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948 for the purpose of prorating a Domestic Beet Sugar Area deficit which is hereby determined. Section 204 (a) of the act provides that the Secretary shall from time to time determine whether any domestic area, the Republic of the Philippines, or Cuba will be unable to market its quota. If he so finds with respect to the Domestic Beet Sugar Area, the quotas for other domestic areas and Cuba are required to be revised by prorating to such areas an amount of sugar equal to any deficit so determined on the basis of their existing quotas.

The Sugar Act provides that the quota for any domestic area, the Republic of the Philippines, Cuba, or other foreign countries as established under the provisions of section 202 shall not be reduced by reason of any determination of a

deficit and makes the proration of any such deficit to areas able to supply the additional sugar a mere mathematical computation. Hawaii is excluded from the proration because it appears certain that its production and shipping prospects will not make possible the utilization of additional quota in 1952.

In order to afford sellers of sugar in effected areas an adequate opportunity to market the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Sup. I, 1100) and the Administrative Procedure Act (60 Stat. 237) Sugar Regulation 813 (16 F. R. 13032) is hereby amended by adding paragraphs (c) and (d) to § 813.33, to read as follows:

§ 813.33 Determination and proration of area deficits.

(c) **Deficit in quota for the Domestic Beet Sugar Area.** It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1952 the Domestic Beet Sugar Area will be unable by an amount of 200,000 short tons of sugar, raw value, to market the quota established for that area in § 813.32.

(d) **Proration of deficit in quota for the Domestic Beet Sugar Area.** An amount of sugar equal to the deficit determined in paragraph (c) of this section is hereby prorated, pursuant to subsection (a) of section 204 of the act, as follows:

Additional quota in terms of short tons, raw value	
Area:	
Mainland cane sugar.....	24,810
Puerto Rico.....	45,155
Virgin Islands.....	298
Cuba.....	129,737
	200,000

Statement of bases and considerations. The estimate of production of sugar from sugar beets to be harvested in 1952, issued by the Department on July 10, 1952, is 1,471,000 short tons, raw value, compared to 1,552,000 tons a year earlier. The current forecast of the 1952 crop assumes average growing conditions for the remainder of the season and average recovery of sugar per ton of sugar beets. The great bulk of the sugar will be produced after September 1, 1952, and most of it will be marketed after January 1, 1953. Beet processors held inventories at the beginning of 1952 of about 1,175,000 tons and by June 30 had distributed about 742,000 tons. Examination of these inventory, production and marketing data in relation to comparable data for previous years indicate that the domestic beet sugar area will probably not

distribute more than 1,600,000 short tons of sugar, raw value, in the calendar year 1952.

Declaration of this Domestic Beet Sugar Area deficit of 200,000 short tons, raw value, is consistent with the policy of taking such actions whenever the progress of the crop and the availability of statistics regarding it make possible a reasonably accurate quantitative estimate of the deficit.

BASIC QUOTAS, PRORATIONS OF DEFICIT AND ADJUSTED QUOTAS FOR 1952

[Short tons, raw value]

Production area	Basic quota	Proration of deficits		Adjusted quota
		Philippine	Beet	
Domestic beet sugar.....	1,800,000		(200,000)	1,600,000
Mainland cane sugar.....	500,000		24,810	524,810
Hawaii.....	1,052,000			1,052,000
Puerto Rico.....	910,000		45,155	955,155
Virgin Islands.....	6,000		298	6,298
Philippines, Republic of.....	974,000	(200,000)		774,000
Cuba.....	2,424,571	190,000	129,737	2,744,308
Other foreign countries:				
Belgium.....	197.4			197.4
Canada.....	378.5			378.5
China and Hongkong.....	153.3			153.3
Czechoslovakia.....	176.6			176.6
Dominican Republic.....	4,473.7	2,695.8		7,169.5
Dutch East Indies.....	141.8			141.8
Guatemala.....	224.6			224.6
Haiti.....	618.3	372.6		990.9
Honduras.....	2,302.7			2,302.7
Mexico.....	4,065.7	2,438.5		6,485.2
Netherlands.....	146.6			146.6
Nicaragua.....	6,857.1			6,857.1
Peru.....	7,496.2	4,493.1		11,949.3
Salvador.....	5,507.0			5,507.0
United Kingdom.....	235.2			235.2
Venezuela.....	194.5			194.5
Other countries.....	28.8			28.8
Unallotted reserve.....	250.0			250.0
Subtotal.....	33,429.0	10,000.0		43,429.0
Total.....	7,700,000			7,700,000

¹ In accordance with sec. 204 (c) of the act the basic quotas are not impaired by determinations of deficits.

² The following quantities may be entered as direct-consumption sugar: Hawaii, 29,616 tons; Puerto Rico, 126,033; Philippines, 59,920; Cuba, 375,000.

³ May be filled with raw sugar for further processing only.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153)

Done at Washington, D. C., this 18th day of July 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 52-8094; Filed, July 23, 1952;
8:54 a. m.]

[Sugar Reg. 814.7, Amdt. 1]

**PART 814—ALLOTMENT OF SUGAR QUOTAS
PUERTO RICO, 1952**

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948 (hereinafter called the "act") for the purpose of revising § 814.7 (17 F. R. 2477) which allots the 1952 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the 1952 sugar quota for local consumption in Puerto Rico among persons (1) whose Puerto Rican raw sugar is brought into the continental United States or who transfer such sugar for further processing and shipment to the continental United States as direct-consumption sugar, and (2) who market

Exclusion of Hawaii from the proration of deficit. The production of sugar in Hawaii in 1952 will make available for shipment to the mainland no more than the statutory quota for this area. Accordingly, none of the deficit declared in this action is prorated to Hawaii.

After giving effect to the changes set forth in this amendment to Sugar Regulation 813, the quotas for all areas are as follows:

sugar for local consumption in Puerto Rico.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments." The sugar quota for consumption in Puerto Rico and allotments thereof are referred to respectively as "local quota" and "local allotments."

Amendment 2 to Sugar Regulation 813 (7 CFR Part 813)¹ increased the mainland quota for Puerto Rico by 45,155 short tons, raw value, to a total of 955,155 short tons, raw value. As established in Sugar Regulation 814.7 issued March 19, 1952 (17 F. R. 2477), representatives of all allottees stipulated for the record of the hearing with respect to allotment of the 1952 quotas for Puerto Rico, or subsequently in writing, that any increase in the 1952 sugar quotas after the initial allotment order shall be allotted, without further hearing, on the same basis as the initial allotments were made. The initial order allotted 80 percent of the quotas pending availability of final 1951-52-crop production data. Such data is not yet available for all allottees. This docket accordingly allots 80 percent of the larger quota.

¹ See F. R. Doc. 52-8094, *supra*.

Since a number of allottees have already marketed their previous allotments, they are precluded from marketing additional quantities of sugar until this amendment becomes effective. It is imperative, therefore, that this amendment become effective at the earliest possible date in order to permit continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and, consequently, this order shall be effective when published in the *FEDERAL REGISTER*.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, paragraph (a) of § 814.7 is hereby amended to read as follows:

§ 814.7 Allotments of 1952 sugar quotas for Puerto Rico—(a) Allotments. Eighty percent of the 1952 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota), amounting to 764,124 short tons of sugar, raw value, and 80 percent of the 1952 sugar quota for local consumption in Puerto Rico, amounting to 80,000 short tons of sugar, raw value, are hereby allotted to the following processors in amounts which appear in columns (1) and (2) opposite their respective names:

(Short tons, raw value)

Processor	Mainland allotment	Local allotment
Antonio Roig, Sucesores, S. en C.	18,591	10,562
Arturo Llulleras, (estate of) y Sobrinos (San Francisco)	3,255	1,138
Asociación Azucarera Cooperativa (Lafayette)	23,905	461
Central Aguirre Sugar Co., a trust	81,668	1,410
Central Coloso, Inc.	39,540	591
Central Eureka, Inc.	24,119	1,056
Central Guamaní, Inc.	7,080	899
Central Igualdad, Inc.	19,394	17,336
Central Juanita, Inc.	24,373	2,059
Central Mercedesita, Inc.	40,125	13,079
Central Monserrate, Inc.	17,068	960
Central San José, Inc.	13,611	15
Central San Vicente, Inc.	37,542	1,400
Compañía Azucarera del Camuy, Inc. (Rio Llano)	10,713	64
Compañía Azucarera del Toa	19,974	-----
Cooperativa Azucarera Los Caños	24,053	66
Corporación Azucarera Saari & Subira (Constancia Ponce)	8,188	1,162
Eastern Sugar Associates, a trust	82,349	11,664
Fajardo Sugar Co.	83,699	119
Land Authority of Puerto Rico	52,102	8
Mario Mercado e Hijos (Rufina)	23,941	1,158
Mayaguez Sugar Company, Inc. (Rochelaire)	7,578	134
Plata Sugar Co.	34,000	402
Soller Sugar Co.	9,898	9
So. Porto Rico Sugar Co. of Puerto Rico (Gunnison)	58,408	12,050
Total allotted	764,124	80,000
Unallotted reserve	191,031	20,000
Total quotas	955,155	100,000

(Sec. 403, 61 Stat. 932; 7 U. S. C. Supp., 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Supp., 1115)

Done at Washington, D. C., this 18th day of July 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 52-8093; Filed, July 23, 1952; 8:53 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53050]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

FEES FOR RECORDING INSTRUMENTS OF TITLE FOR VESSEL

In order to provide for a more expeditious and economical method of computing fees required for recording certain instruments of title and related instruments under the Ship Mortgage Act, 1920, as amended (46 U. S. C. 911, et seq.), § 4.98 (g), Customs Regulations of 1943 (19 CFR 4.98 (g)), is amended to read as follows:

§ 4.98 Navigation fees. * * *

(g) In computing the amounts to be collected under Fee 7:

(1) The word "folio" shall mean 100 words, counting each figure as a word (R. S. 854). No charge shall be made for fractions of a folio.

(2) When any instrument presented is not on an appropriate customs form, the number of folios shall be computed under the pertinent one of the following formulas:

(i) Except as specified in subdivision (iii) of this subparagraph, if the instrument is of less than 20 pages, the total number of lines shall be determined; the number of words in 10 percent of the lines of each size and style of writing or printing (handwritten, pica typewritten, elite typewritten, printed, etc.; full measure, indented, etc.) shall be counted, using lines of average length; the average number of words per line of each size and style of writing or printing shall be multiplied by the total number of lines of such size and style in order to arrive at the total number of words; and that total shall be divided by 100 in order to ascertain the total number of folios.

(ii) Except as specified in subdivision (iii) of this subparagraph, if the instrument is of 20 pages or more, the number of words on a representative sample of pages (10 percent of the total, using pages of average width and length) shall be counted; the average number of words per page shall be multiplied by the number of pages in order to arrive at the total number of words; and that total shall be divided by 100 in order to ascertain the total number of folios.

(iii) If any such instrument contains a recitation or copy of a marine document of a vessel, whether reproduced by photostatic process or otherwise, the number of folios in such recitation or copy shall not be determined as specified in subdivision (i) or (ii) of this subparagraph, but instead each such recitation or copy shall be deemed to contain 5 folios. The number of folios contained in such recitation or copies, determined in accordance with this subdivision, shall be added to the number of folios contained in the remainder of such instrument, ascertained in accordance with subdivision (i) or (ii) of this subparagraph, as the case may be, and the

sum shall be the total number of folios in that instrument.

(3) When any instrument presented is on one of the following customs forms and contains only such written matter as is customarily used and necessary to complete and fill in the blanks on the form or when it contains such matter and other written matter interpolated or appended of less than 200 words, the number of folios in the instrument shall be deemed to be in accordance with the following schedule:

(i) Bill of sale of vessel on customs Form 1340, 1342, 1344, 1346, or 1356: 10 folios.

(ii) Mortgage of vessel on customs Form 1348—If marine document is not recited: 15 folios. If marine document is recited: 20 folios.

(iii) General Index or Abstract of Title on customs Form 1332: 5 folios.

(iv) General Index or Abstract of Title—Continuation Sheet on customs Form 1332-A: 1 folio for each two instruments noted thereon.

(v) Certificate of Ownership on customs Form 1330: 5 folios.

(4) When any such instrument is prepared on a customs form and contains such written matter as is customarily used and necessary to complete and fill in the blanks on the form and other written matter interpolated or appended of 200 or more words, the number of folios in the instrument shall be computed on the basis of the above schedule for the printed forms, plus an additional amount for all the written matter other than such as is used and necessary to complete and fill in the blanks on the form in the customary manner, which amount shall be computed as though that portion of the instrument were not on a customs form.

(5) The number of folios in a certified copy of any instrument furnished under Fee 7, Service (b), shall be computed in the same manner as in the case of the original, except that the number of folios in a certificate of discharge on customs Form 1363 shall be deemed to be 5, unless the form contains interpolated or appended written matter of 200 or more words in addition to such written matter as is customarily used and necessary to complete and fill in the blanks on the form, in which case the fee shall be computed on the basis of a charge for 3 folios for the printed form, plus an additional amount for all the written matter other than such as is used and necessary to complete and fill in the blanks on the form in the customary manner, which amount shall be computed as though that portion of the instrument were not on a customs form.

(R. S. 161, sec. 2, 23 Stat. 118; 5 U. S. C. 22, 46 U. S. C. 2, Sec. 102, Reorganization Plan No. 3 of 1946; 3 CFR 1946 Supp., ch. IV. Reorganization Plan No. 26 of 1950; 3 CFR 1950 Supp., ch. III.)

[SEAL]

FRANK DOW,
Commissioner of Customs.

Approved: July 16, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-8127; Filed, July 23, 1952; 8:58 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 25, Revision 1, Interpretation 4]

CPR 25—CEILING PRICES OF BEEF SOLD AT RETAIL

INT. 4—PERMISSIBLE ADDITIONS ON THE RETAIL SALE OF PRIMAL CUTS UNDER SECTION 13. (C), CPR 25, REVISION 1

A retailer asks whether, under section 13 (c) of Ceiling Price Regulation 25, Revision 1, wholesalers' and local delivery additions may be taken on sales and what zone differential is applicable to such sales.

Under section 13 (c) retailers, in addition to their customary service charges determined under CPR 34, may add as much as \$2.25 per cwt., as specially permitted by that section, to the maximum price established in CPR 24, which maximum price may include the wholesaler's addition of \$2.25 per cwt. as permitted in section 42 of CPR 24 and the zone differential amount allowed wholesalers under section 40 of CPR 24. The amount which may be included by a retailer as a zone differential in the CPR 24 maximum price depends upon the zone in which the retailer is located.

No local delivery charge may be included in the CPR 24 maximum price since section 13 (c) of CPR 25 specifically prohibits as additions to be included in the CPR 24 maximum price the items detailed in section 41 of CPR 24. Local delivery charges constitute one of these items.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154).

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JULY 23, 1952.

[P. R. Doc. 52-8219; Filed, July 23, 1952; 11:47 a. m.]

[Ceiling Price Regulation 25; Revision 1, Interpretation 5]

CPR 25—REVISED CEILING PRICES OF BEEF ITEMS SOLD AT RETAIL

INT. 5—NECESSITY FOR GRADING OF BEEF WHERE REQUIRED TO BE SOLD AT NO MORE THAN UTILITY GRADE PRICES (SECTION 18)

A retailer inquires whether the fact that non-graded and improperly cut cuts of beef are sold at not higher than the ceiling price for utility grade pursuant to sections 18 (a) and (b), Ceiling Price Regulation 25, Revision 1, excuses the failure to grade or properly cut the beef in question.

The fact that sections 18 (a) and (b) establish ceiling prices for non-graded or improperly cut beef cuts does not eliminate the requirements of grading and grademarking. Section 18 (c) states that the pricing requirements of section 18 do not in any way excuse the viola-

tion of the grading, grademarking or cutting requirements of Distribution Regulation 2 under which the beef is graded.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JULY 23, 1952.

[P. R. Doc. 52-8220; Filed, July 23, 1952; 11:47 a. m.]

[Ceiling Price Regulation 45, Revision 1, Interpretation 1]

CPR 45—APPAREL MANUFACTURERS' GENERAL CEILING PRICE REGULATION

INT. 1—ELECTION TO USE REGULATION FOR A CATEGORY OF ARTICLES (SECTION 3 (A))

Under section 3 (a) of CPR 45, Rev. 1, a manufacturer may elect prior to the mandatory effective date of the regulation to make it effective for his sales of an article by determining a ceiling price for that article pursuant to the regulation and by selling the article at the new price or taking some other action which indicates an election to use the regulation. If the manufacturer does this, he must establish ceiling prices under the regulation for all articles in the same category. A manufacturer is thus permitted to establish ceiling prices under the General Ceiling Price Regulation for all commodities in one category, and under CPR 45, Rev. 1, for all articles in another category.

The definition of the term "category" contained in section 6 (c) of CPR 45, Rev. 1, is different from the definition of the same term contained in section 4 (c) of the General Ceiling Price Regulation. Because of this difference in definition of the term, generally under CPR 45, Rev. 1, a category covers a smaller group of related articles than a category under the GCPR. It is thus possible for a category under the GCPR to cover commodities which would fall into two or more categories under CPR 45, Rev. 1. Some apparel manufacturers have asked which definition of the term "category" governs a manufacturer in determining the articles which fall in a particular category for which he has elected to continue to use GCPR and those which fall within a category for which he has elected to use CPR 45, Rev. 1. Since the election is made under section 3 (a) of CPR 45, Rev. 1, as to which article and consequently as to which category, should be priced under CPR 45, and the term "category" is specifically defined in section 6 (c) of CPR 45, that definition governs the grouping of commodities for the purpose of such election. Thus, although a category defined under GCPR would include articles A, B, C, D, E and F, if the manufacturer elects to use CPR 45, Rev. 1, for a category which, under the definition in section 6 (c), CPR 45, Rev. 1, includes only articles D, E and F, the manufacturer may continue to use GCPR for articles A, B, and C and must use CPR 45, Rev. 1, for articles D, E, and F.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JULY 23, 1952.

[P. R. Doc. 52-8218; Filed, July 23, 1952; 11:47 a. m.]

[Ceiling Price Regulation 134, Amdt. 4]

CPR 134—CEILING PRICES FOR EATING AND DRINKING ESTABLISHMENTS

CIVIC EVENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 4 to Ceiling Price Regulation 134 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment permits operators of eating and drinking establishments to charge the same prices on the days of the civic events listed in Appendix A as they charged during the days of the corresponding civic event when it was held in their community in 1951. The events listed have been included on the basis of their being of overall community interest and of long standing. On the days of these events, it has been the customary practice of operators in the areas involved to charge higher prices for meals, food items and beverages than they charge normally. In the judgment of the Director of Price Stabilization permission to continue this practice where it has such a firm historical basis would not be incompatible with the purposes of the price stabilization program. The new section added to the regulation by this amendment parallels the existing provision which permits operators to charge on New Year's Day, Easter, Passover, Thanksgiving Day, Christmas Day and New Year's Eve the same prices they charged on the most recent identical holiday.

The community civic events which, on the basis of currently available information, meet the test set out above include the following:

Cheyenne Frontier Days, The Hambletonian, The Santa Fe Fiesta, Anadarko (Oklahoma) Indian Exposition, New Orleans Mardi Gras and Utah Pioneer Days, at Ogden, Utah.

Because of the nature of this amendment, the Director of Price Stabilization has not found it practicable to consult formally with official advisory committees or with trade association representatives. However, members of the industry have been consulted with informally and consideration has been given to their recommendations. In the judgment of the Director, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that Act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 134 is amended in the following respects:

1. Section 6, paragraph (a) is revised by the addition of a new subparagraph (4) to read as follows:

(4) Despite the other provisions of this section, you may, on the days of the civic events listed in Appendix A which take place in your community, charge for any meals, food item or beverage the price you charged for it on the days of the same event when it was held in your community in 1951.

2. A new Appendix A is added to the regulation by inserting the following after section 27:

APPENDIX A—CIVIC EVENTS DURING WHICH YOU MAY CHARGE HIGHER PRICES

Cheyenne Frontier Days.
The Hambletonian.
Kentucky Derby.
Santa Fe Fiesta Days.
Anadarko, Oklahoma, Indian Exposition.
Utah Pioneer Days at Ogden, Utah.
New Orleans Mardi Gras.
Indianapolis Memorial Day Races.
New Orleans Spring Fiesta.
Pendleton Round-Up at Pendleton, Oreg.
Frontier Days at Butler, Wis.
Sidney Rodeo at Sidney, Iowa.
Blossom Festival at Benton Harbor, Mich.
Blossom Festival at St. Joseph, Mich.
Forest Festival at Elkins, W. Va.
Buckwheat Festival at Kingwood, W. Va.
Apple Blossom Festival at Winchester, Va.
Tulip Festival at Pella, Iowa.
Tulip Festival at Holland, Mich.
National Cherry Festival at Traverse City, Mich.
Strawberry Festival at Buckhannon, W. Va.
Tobacco Festival at Richmond, Va.
Apple Harvest Week at Charlottesville, Va.
(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 4 to Ceiling Price Regulation 134 is effective as of July 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 22, 1952.

[F. R. Doc. 52-8154; Filed, July 22, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplemental Regulation 34, Revision 1, Interpretation 1]

GCPR, SR 34—ADJUSTMENT OF CEILING PRICES OF MANUFACTURERS AND DISTRIBUTORS OF FRESH AND SEMI-DRY SAUSAGE MADE IN WHOLE OR IN PART FROM BEEF OR STUFFED IN SHEEP CASINGS

INT. 1—REQUIRED STATEMENT (SECTION 10 (b))

OPS has been asked whether it is necessary for a manufacturer to furnish a statement of the authority to increase ceiling prices under section 10 (b) of SR 34, Revision 1, with each and every invoice for a given item of sausage that might be sold to his customer.

Section 10 (b) is not intended to impose such a requirement. It states that the statement in question must be furnished upon the customer's initial purchase at the increased ceiling price. It is sufficient therefore that only one

statement be furnished to the same customer with respect to an item of sausage for which a price increase is taken under SR 34, Revision 1.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JULY 23, 1952.

[F. R. Doc. 52-8221; Filed, July 23, 1952; 11:47 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Amendment 4 of July 23, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

AMENDMENT OF SECTION 17 (d)

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable because the amendment affects many different industries.

AMENDATORY PROVISIONS

This amendment affects CMP Regulation No. 1, as amended November 23, 1951, by amending paragraph (d) of section 17 to read as follows:

(d) Unless otherwise provided by NPA, if it develops, after a consumer has received delivery of controlled materials or Class A products pursuant to an allotment, that he cannot use them for a purpose permitted under paragraph (b) of this section, he shall not use or dispose of them except as provided below: (1) He may hold the controlled materials or Class A products in his inventory for use in connection with future authorized production schedules; (2) he may sell or otherwise transfer title to such controlled materials to his original supplier of such controlled materials; (3) he may sell or otherwise transfer title to such steel controlled materials to a steel distributor who has a base tonnage within the meaning of, and who operates under, the provisions of NPA Order M-6A; (4) he may sell or otherwise transfer title to such controlled materials to a person who places an authorized controlled material order with him (including, but not limited to, sales of brass mill products to distributors of brass mill products who place orders in accordance with the provisions of NPA Order M-82, sales of copper wire mill products to distributors of copper-wire mill products who place orders in accordance with the provisions of NPA Order M-86, and sales of aluminum to distributors of aluminum who place orders in accordance with the provisions of NPA Order M-88), in which event he (the seller) shall not extend the allotment number identifying such order; or (5) he shall request authorization from NPA or the appropriate claimant agency

as to any other use or disposition of such controlled materials or Class A products. (64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect July 23, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8231; Filed, July 23, 1952; 12:17 p. m.]

[CMP Regulation No. 1, Amendment 5 of July 23, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

AMENDMENTS OF SCHEDULES I, III, AND IV

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there has been consultation with industry representatives and consideration has been given to their recommendations. However, consultation with representatives of all industries affected has been rendered impracticable because the amendment affects many different industries.

AMENDATORY PROVISIONS

CMP Regulation No. 1, as amended November 23, 1951, is hereby further amended as follows:

1. The following items in Schedule I (Revised) of CMP Regulation No. 1 under the heading "Aluminum" are deleted:

Foil.
Powder (atomized or flake, including paste).

2. A new footnote reference, numbered "15" shall be inserted after the heading "Aluminum" in Schedule I (Revised) of CMP Regulation No. 1, and a new footnote numbered "15" shall be added to read as follows:

¹⁵ Aluminum foil and aluminum powder, (atomized or flake, including paste) are neither Class A nor Class B products.

3. The following items in Schedule III (Revised) of CMP Regulation No. 1 under the heading "Aluminum" and under the column headings indicated are deleted:

Name of product:	Aluminum and copper
Foil.	
Powder (atomized or flake, including paste)	60

4. The following items in Schedule IV (Revised) of CMP Regulation No. 1 under the heading "Aluminum," and under the column headings indicated are deleted:

Name of product:	Aluminum and copper (pounds)
Foil.	
Powder (atomized or flake, including paste)	(1)

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect July 23, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8232; Filed, July 23, 1952;
12:17 p. m.]

[CMP Regulation No. 6, Revised, Amend-
ment 2 of July 23, 1952]

**CMP REG. NO. 6, REVISED—CONSTRUCTION
MISCELLANEOUS AMENDMENTS**

This amendment to Revised CMP Regulation No. 6 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

This amendment affects paragraph (f) of section 17, and Table III of Revised CMP Regulation No. 6, as amended March 6, 1952, and as further amended by Amendment 1 of June 18, 1952. It conforms section 17 to the changes simultaneously being made in CMP Regulation No. 1, and it deletes certain items from the listing of aluminum controlled material set forth in Table III.

AMENDATORY PROVISIONS

Revised CMP Regulation No. 6 is amended in the following respects:

1. Paragraph (f) of section 17 is amended to read as follows:

(f) Unless otherwise provided by NPA, if it develops, after a person has received delivery of controlled materials or Class A products pursuant to an allotment, that he cannot use them for a purpose permitted under paragraph (d) of this section, he shall not use or dispose of them except as provided in this paragraph: (1) He may hold the controlled materials or Class A products in his inventory for use in connection with future authorized production schedules; (2) he may sell or otherwise transfer title to such controlled materials to his original supplier of such controlled materials; (3) he may sell or otherwise transfer title to such steel controlled materials to a steel distributor who has a base tonnage within the meaning of, and who operates under, the provisions of NPA Order M-6A; (4) he may sell or otherwise transfer title to such controlled materials to a person who places an authorized controlled material order with him (including, but not limited to, sales of brass mill products to distributors of brass mill products who place orders in accordance with the provisions of NPA Order M-82, sales of copper wire mill products to distributors of copper wire mill products who place orders in accordance with the provisions of NPA Order M-86, and sales of aluminum to distributors of aluminum who place orders in accordance with the provisions of NPA Order M-88), in which event he (the seller) shall not extend the al-

lotment number identifying such order; or (5) he shall request authorization from NPA or the appropriate claimant agency as to any other use or disposition of such controlled materials or Class A products.

2. The list of aluminum controlled materials in Table III is amended to read as follows:

ALUMINUM *

Rolled bar, rod, wire (including drawn wire), structural shapes.
Aluminum cable steel reinforced (ACSR) and bare aluminum cable.
Insulated or covered wire or cable.
Extruded bar, rod, shapes, tubing (including drawn or welded tubing).
Sheet, strip, plate.
Pig or ingot, granular or shot.

3. A new footnote 15 is added at the end of Table III to read as follows:

* Aluminum foil and aluminum powder (atomized or flake, including paste) are neither Class A nor Class B products.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154).

This amendment shall take effect July 23, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8233; Filed, July 23, 1952;
12:17 p. m.]

[NPA Order M-5 as Amended July 23, 1952]

M-5—ALUMINUM

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

NPA Order M-5 as last amended April 29, 1952, is amended in its entirety. As amended, NPA Order M-5 reads as follows:

REGULATORY PROVISIONS

Sec.

1. What this order does.
2. Definitions.
3. Relation to other NPA orders and regulations.
4. Assignment and use of AM numbers.
5. Production of aluminum.
6. How production schedules are authorized.
7. Production material requirements of producers of aluminum.
8. Prohibition on shipment.
9. Restrictions on toll agreements.
10. Opening of books.
11. Acceptance of orders.
12. Production materials for foil or powder fabricators.
13. NPA assistance in placing orders.
14. Reports on Form NPAF-167.
15. Reports on Form NPAF-122.
16. Reports by foil or powder fabricators on Form NPAF-222.
17. Request for adjustment or exception.
18. Communications.
19. Records and reports.
20. Violations.

AUTHORITY: Sections 1 to 20 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; sec. 402, 403, E. O. 10281, Aug. 28, 1951, 16 F. R. 8739; 3 CFR, 1951 Supp.

SECTION 1. What this order does. This order applies to primary producers, secondary smelters, independent fabricators, and importers of aluminum. It provides rules concerning the scheduling of production and shipment of aluminum. It sets forth the procedure by which aluminum producers receive the controlled materials which they require as production materials, as well as the procedure to be followed by producers of aluminum foil and aluminum powder in acquiring their production materials, and the quantities of such material for which they may place orders. The order authorizes the production of aluminum only in accordance with an authorized production schedule or production directive, and permits the production, shipment, or delivery of aluminum only when such production, shipment, or delivery is to fill an authorized controlled material order or is pursuant to an NPA directive. It also sets forth circumstances wherein an aluminum producer may reject an authorized controlled material order. It supplements the CMP regulations and supersedes the provisions of those regulations to the extent that they may be inconsistent with the provisions of this order as amended.

Sec. 2. Definitions. As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "NPA" means the National Production Authority.

(c) "Aluminum" means only the following aluminum forms and shapes:

Rolled bar, rod, wire (including drawn wire), structural shapes.
Aluminum cable steel reinforced (ACSR) and bare aluminum cable.
Insulated or covered wire or cable.
Extruded bar, rod, shapes, tubing (including drawn or welded tubing).
Sheet, strip, plate.
Pig or ingot, granular or shot.

(d) "Foil" means the product which results from the operation of a rolling mill in which aluminum sheet (foil stock), as those terms are commonly understood by custom and usage in the trade, is reduced to a thickness of less than 0.006 of an inch.

(e) "Powder" means the product which results from processing aluminum (or aluminum-base alloy) pig, ingot, or scrap in a ball mill, hammer mill, or atomizer, and includes paste.

(f) "Pig" means aluminum of variable composition produced by the electrolytic reduction of alumina.

(g) "Pig or ingot, secondary" means any aluminum produced by a secondary smelter; or pig or ingot, granular or shot, produced by a primary producer in a secondary smelter operation.

(h) "Primary producer" means a person producing aluminum both in the form of pig and in any one or more of the other forms or shapes listed in paragraph (c) of this section.

(i) "Secondary smelter" means any person who remelts virgin metal or scrap to produce properly alloyed, refined, chemically tested, specification casting ingot, or deoxidizing or granular aluminum, and who has the equipment and technical knowledge necessary to perform this function without downgrading or waste; and includes a primary producer to the extent that he performs such function.

(j) "Independent fabricator" means any person (except a secondary smelter) who does not produce aluminum pig, but who produces aluminum for sale in any of the other forms and shapes listed in paragraph (c) of this section.

(k) "Foil or powder fabricator" means any person who produces either foil or powder, as defined in paragraphs (d) and (e) of this section, respectively. For the purposes of this paragraph the foil-producing department or division of any company, firm, corporation, or association which produces aluminum sheet (foil stock), and the powder-producing department or division of any company, firm, corporation, or association which produces aluminum (or aluminum-base alloy) pig or ingot shall be deemed a separate person.

(l) "Importer" means a person who imports aluminum in the forms and shapes listed in paragraph (c) of this section either for his own account or for the account of another person.

(m) "Production directive" means a directive issued by NPA authorizing a primary producer, a secondary smelter, or an independent fabricator to produce during a designated period a specified quantity of any one or more of the aluminum forms and shapes listed in paragraph (c) of this section.

(n) "Authorized controlled material order" means a delivery order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment, as provided in section 19 of CMP Regulation No. 1, or which is specifically designated to be such by any other regulation or order of NPA.

(o) "Fabrication order" means a delivery order for aluminum sheet (foil stock) or aluminum (or aluminum-base alloy) pig, ingot, or scrap which is placed pursuant to section 12 of this order by a foil or powder fabricator, respectively; and includes orders placed pursuant to a toll, conversion, or repurchase agreement or other similar arrangement by which the foil or powder fabricator supplies aluminum scrap which is not self-generated aluminum scrap; or if the foil fabricator is a department or division of a company, firm, corporation, or association which produces aluminum sheet (foil stock) as well as foil, or the powder fabricator is a department or division of a company, firm, corporation, or association which produces aluminum (or aluminum-base alloy) pig or ingot as well as powder, then the acquisition by such department or division of the aluminum sheet (foil stock) or aluminum

(or aluminum-base alloy) pig or ingot will be deemed a fabrication order.

(p) "AM number" means the allotment symbol AM, together with the number which is assigned by NPA, which is used by persons who produce, smelt, fabricate, or distribute aluminum in placing authorized controlled material orders for aluminum in accordance with the provisions of this order and of NPA Order M-88.

SEC. 3. *Relation to other NPA orders and regulations.* All provisions of any NPA regulation or order are superseded to the extent that such provisions are inconsistent with this order, but in all other respects the provisions of such regulations and orders shall remain in full force and effect.

SEC. 4. *Assignment and use of AM numbers.* AM numbers are assigned by NPA, upon application in writing, to primary producers, secondary smelters, and independent fabricators of aluminum, and are used to identify authorized controlled material orders for aluminum placed by such persons. (NPA Order M-88 describes the assignment and use of AM numbers by distributors of aluminum).

SEC. 5. *Production of aluminum.* (a) No person shall, in any calendar quarter, produce any aluminum unless such production is pursuant to an authorized production schedule or directive previously issued in writing by NPA for the production of such materials in that calendar quarter.

(b) After the effective date of this order, no producer of aluminum shall place into production any order for the delivery of aluminum, unless such order is an authorized controlled material order, a fabrication order placed in accordance with section 12 of this order by a foil or powder fabricator, or an order which he has accepted or scheduled pursuant to specific directive or written authorization by NPA.

(c) No aluminum producer, secondary smelter, or independent fabricator shall be required to accept any authorized controlled material order for less than the mill quantities set forth in Schedule IV of CMP Regulation No. 1 or which is placed within less time than the "lead time" specified in Schedule III of CMP Regulation No. 1.

SEC. 6. *How production schedules are authorized.* (a) Every primary producer, secondary smelter, and independent fabricator shall, on or before July 15, 1952, complete and file with NPA on Form NPAF-149, an application for an authorized production schedule for the fourth calendar quarter of 1952. (This was required by NPA Order M-5 as amended January 23, 1952). For each subsequent calendar quarter the application for an authorized production schedule shall be made by the completion and filing of Form NPAF-149 on or before the fifteenth day of the first month of the calendar quarter preceding the calendar quarter for which the application is made. An original and three copies of Form NPAF-149, which may be secured from the Washington, D. C., office of NPA only, shall in each instance

be completed and filed with the National Production Authority, Washington 25, D. C., Ref: NPA Order M-5.

(b) Each person who is required by paragraph (a) of this section to file Form NPAF-149 will enter thereon, for each form and shape of aluminum listed, his proposed production schedule and, if applicable, the aluminum production materials which he requires to fulfill the proposed production schedule in accordance with the instructions accompanying the form. NPA, after review of the Form NPAF-149, will set forth on a copy thereof, which will be returned to the applicant, the approved production schedule for each form or shape listed, and the quantity of aluminum production materials which are allotted for such production. Such production schedules and related allotments may be made on a quarterly or monthly basis, or at such other intervals as NPA may from time to time deem appropriate.

(c) In addition to the procedure outlined in paragraph (b) of this section for the authorization of production schedules for producers of aluminum, NPA may from time to time issue production directives and related allotments to producers of aluminum which by their terms may amend, suspend, or supersede the authorized production schedules issued on Form NPAF-149. These production directives and related allotments may be issued on either a monthly or quarterly basis and may concern the production of any or all of the forms or shapes of aluminum. In each instance in which such a production directive and related allotment is issued it will by its terms define the relationship of the directive to the authorized production schedule issued or to be issued.

(d) After an authorized production schedule or production directive has been issued to a primary producer, secondary smelter, or independent fabricator in accordance with paragraph (b) or (c) of this section, NPA may from time to time issue directives to primary producers or secondary smelters with respect to the sale of aluminum production material to other primary producers or secondary smelters, independent fabricators, or foil or powder fabricators. In that event, NPA will notify such persons of the name of the person from whom he shall purchase the aluminum production material he requires.

SEC. 7. *Production material requirements of producers of aluminum.* (a) A primary producer, secondary smelter, or independent fabricator of aluminum may order the aluminum production materials allotted to him on Form NPAF-149 or by directive, in accordance with the provisions of section 19 of CMP Regulation No. 1. In ordering such materials he shall use the allotment symbol AM together with his AM number.

(b) A primary producer, secondary smelter, or independent fabricator of aluminum who requires steel controlled materials as production material (as defined in section 21 of CMP Regulation No. 1) for use in the fulfillment of his authorized production schedule is hereby authorized to use the allotment symbol PM to obtain such production mate-

rials: *Provided, however*, That no person who produces aluminum cable steel reinforced (ACSR) shall use the allotment symbol PM to obtain in any calendar quarter for his production of that material a greater quantity of steel by weight than 37 percent of the gross metal weight of the aluminum cable steel reinforced (ACSR) that he is to produce in that calendar quarter pursuant to his authorized production schedule.

(c) All orders for which the use of the allotment symbol AM or PM are authorized by this section are hereby designated as authorized controlled material orders, and shall be certified in accordance with the provisions of section 19 (c) of CMP Regulation No. 1. The certification of such orders shall be signed as provided in NPA Reg. 2, and shall constitute a representation that, subject to the criminal penalties provided for in the United States Code, Title 18 (Crimes) section 1001, such person is authorized by this section to make the certification for the quantity of steel or aluminum ordered in connection therewith.

(d) The self-authorization procedure by which a producer of aluminum obtains production materials (other than controlled materials) is described in Direction 2 to CMP Regulation No. 1.

Sec. 8. Prohibition on shipment. Except as provided in NPA Order M-88 and NPA Order M-89, no primary producer, secondary smelter, independent fabricator, distributor, or importer shall accept any orders for aluminum, or ship any aluminum, except pursuant to a valid authorized controlled material order, or fabrication order placed in accordance with section 12 of this order by a foil or powder fabricator, or pursuant to a directive by NPA.

Sec. 9. Restrictions on toll agreements. No person other than a foil or powder fabricator shall receive any aluminum pursuant to any existing or future toll, conversion, or repurchase agreement or any similar arrangement without the prior written approval of NPA. No person shall deliver any aluminum pursuant to any existing or future toll, conversion, or repurchase agreement or any similar arrangement without the prior written approval of NPA, unless such delivery is made to a foil or powder fabricator.

Sec. 10. Opening of books. Each producer of aluminum shall open his order books for the purpose of accepting authorized controlled material orders or fabrication orders no later than 105 days prior to the first day of each calendar quarter for which such orders are valid. An aluminum producer may open his order books for the purpose of accepting purchase orders for any calendar quarter as long in advance of such quarter as he may choose, but after his order books are open he shall accept orders as provided in section 11 of this order.

Sec. 11. Acceptance of orders. (a) Until 75 days prior to the first day of the month in which delivery is requested, and subject to the provisions of paragraph (b) of this section, a producer of aluminum shall have the option of determining which authorized controlled

material orders and fabrication orders or portions thereof he will accept and schedule without regard to the dates of receipt of such orders: *Provided, however*, That the total of the orders which he accepts for any aluminum product does not exceed 85 percent of the level of production he has scheduled for such product for the month in which delivery is requested in order to complete his authorized production schedule or to comply with the production directive he received from NPA. In the event that such a person has not received either an authorized production schedule or a production directive for any month for which he received an authorized controlled material order or a fabrication order requesting delivery, he shall compute the foregoing 85-percent limitation on the acceptance of orders on the following basis: (1) A primary producer shall assume an authorized production schedule or production directive requiring the same production as was directed for the previous quarter, and therefore schedule his monthly production so as to meet such a quarterly production level. (2) A secondary smelter shall assume his maximum production from the production materials he expects to have available. (3) An independent fabricator shall assume that the same quantity of aluminum will be allocated to him as was allocated to him in the previous quarter.

(b) During the period of time in which a producer of aluminum may reject orders in accordance with paragraph (a) of this section, and until such time as he has accepted orders up to the 85-percent maximum limitation contained in paragraph (a) of this section, he may not reject any order bearing the allotment symbol A, B, C, E, AM, or Z-2 which has been offered to him, and shall comply with all NPA directives which have been issued to him.

(c) An aluminum producer shall accept, or reject and return, all purchase orders tendered to him promptly after receipt of such orders. Upon such acceptance or rejection he shall immediately notify the person who tendered the orders of such acceptance or rejection in writing or by telegram. For the purpose of the first sentence of this section the word "promptly" shall be deemed to mean as quickly as possible, but in no event later than 13 consecutive calendar days after receipt. For the purpose of the first sentence of this paragraph receipt of an order shall not be deemed to have occurred until the order is received at the place where the producer usually acknowledges and schedules such orders. This provision is intended to give those persons whose orders have been rejected an opportunity to place their orders with other producers or with distributors.

(d) Within the period of 75 to 60 days prior to the first day of the month in which delivery is requested and subject to the provisions of paragraph (g) of this section, each producer of aluminum shall accept all authorized controlled material orders and fabrication orders offered to him (subject to the provisions of CMP Regulation No. 3) until he has thereby committed 125 percent of the proposed

production necessary to fulfill his authorized production schedule or production directive, minus the quantity of aluminum he is required to produce or ship in that calendar quarter to fill orders carried over from a previous calendar quarter, unless otherwise specifically directed by NPA. This requirement is subject to the provisions of section 20 of CMP Regulation No. 1.

(e) At such time as an aluminum producer has fully complied with the provisions of paragraph (d) of this section he shall not accept any additional orders unless he is specifically directed to do so by NPA.

(f) The percentages referred to in paragraphs (a) and (b) of this section shall be calculated by each aluminum producer for each calendar quarter on the basis of the authorized production schedule and production directives issued to him for that calendar quarter regardless of the quantities of aluminum he expects to produce or ship in that quarter to fill orders carried over from a previous calendar quarter.

(g) No primary producer shall accept any order for "pig or ingot, other than secondary" to be used for any purpose for which "pig or ingot, secondary" is suitable.

Sec. 12. Production materials for foil or powder fabricators. (a) A foil or powder fabricator who requires aluminum sheet (foil stock) to produce foil, aluminum cores to package foil, or aluminum (or aluminum-base alloy) pig or ingot to produce powder may, within the limits prescribed in paragraph (c) of this section, place a fabrication order for such materials only if such order is accompanied by a certificate reading substantially as follows:

Certified under NPA Order M-5

The certificate shall be signed as provided in NPA Reg. 2, and shall constitute a representation to the supplier and to NPA that, subject to the criminal penalties provided for in the United States Code, Title 18 (Crimes) section 1001, such person is authorized by this section to place the fabrication order which the certificate accompanies; that the quantities of aluminum sheet (foil stock) and aluminum cores so ordered will be used only in the production or packaging of foil; and that the quantities of aluminum (or aluminum-base alloy) pig or ingot so ordered will be used only in the production of powder.

(b) Allotments of aluminum production materials for the production of foil or powder, and the authority to use the allotment symbol AM or PM in ordering such materials, previously issued to foil or powder fabricators, are hereby withdrawn insofar as such allotments or authority relate to any quantities of aluminum sheet (foil stock), aluminum cores, or aluminum (or aluminum-base alloy) pig or ingot which have not been shipped by the producers of such material prior to July 23, 1952. Any authorized controlled material order of a foil or powder fabricator for aluminum sheet (foil stock), aluminum cores, or aluminum (or aluminum-base alloy) pig or ingot, heretofore placed but unfilled by the producer of such materials as of July

23, 1952, shall be deemed a fabrication order (as defined in section 2 (c) of this order) for the purposes of this section, but shall maintain its position in the delivery schedules of producers of such materials.

(c) Unless authorized in writing by NPA, no foil fabricator shall in any calendar month place a fabrication order for a quantity by weight of aluminum sheet (foil stock) to be used in the production of foil in excess of the quantity by weight of foil which he shipped to his customers during the preceding calendar month. Unless authorized in writing by NPA, no powder fabricator shall in any calendar month place a fabrication order for a quantity by weight of aluminum (or aluminum-base alloy) pig, ingot, or scrap, to be used in the production of powder, in excess of the quantity by weight of powder (including, in cases of shipment of paste, only the aluminum content of paste) which he shipped to his customers during the preceding month. Unless authorized in writing by NPA, no foil fabricator shall in any calendar quarter place a fabrication order for a quantity by weight of aluminum cores for the packaging of foil in excess of the weight of such cores which he shipped in the preceding month.

(d) The quantities of aluminum sheet (foil stock) or aluminum (or aluminum-base alloy) pig or ingot, for which a foil or powder fabricator may place fabrication orders in any month in accordance with paragraph (c) of this section, are over and above any quantities of such material which is produced, pursuant to a toll, conversion, or repurchase agreement or any other similar arrangement, from aluminum scrap which they have themselves generated in the process of producing foil or powder.

(e) NPA may from time to time issue directives to producers of aluminum sheet (foil stock) or aluminum (or aluminum-base alloy) pig or ingot with respect to the acceptance of fabrication orders.

SEC. 13. NPA assistance in placing orders. Any person who is entitled to place an authorized controlled material order for aluminum or a fabrication order and who has been unable to place any such order may apply to NPA for assistance in placing such an order. Application should be made on Form NPAF-148. These forms may be obtained from Department of Commerce field offices, NPA industry divisions, or the Office of Small Business of NPA. The form, which provides space for the applicant's name and address, the allotment symbol he is authorized to use, his allotment record, his previous purchase record, his experience in attempting to place orders, and other pertinent data, shall be filled out completely and mailed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-5.

SEC. 14. Reports on Form NPAF-167. Each primary producer, secondary smelter, and independent fabricator of aluminum shall, on or before the fifteenth day of each month, complete and file Form NPAF-167, in accordance with the instructions accompanying the

form, setting forth the quantity of aluminum for which he has accepted authorized controlled material orders or fabrication orders placed in accordance with section 12 of this order by a foil or powder fabricator, the quantity of aluminum for which he has not yet accepted such orders, and the estimated quantity of aluminum he expects to ship against past-due unfilled orders. These forms may be secured from the Washington Office of NPA and shall in each instance be completed and filed in duplicate with the Bureau of the Census, Industry Division, Washington 25, D. C. A separate report is required for each of the aluminum forms and shapes listed in section 2 (c) of this order.

SEC. 15. Reports on Form NPAF-122. (a) Each primary producer, secondary smelter, independent fabricator, or importer, who sells aluminum in the regular course of business, shall each month complete and file Form NPAF-122 in accordance with the instructions accompanying the form. The form shall be completed in duplicate and filed on or before the tenth day of each month by mailing to the Bureau of the Census, Industry Division, Washington 25, D. C., Ref: NPA Order M-5.

(b) Any other person who in any month receives for resale or sells any aluminum shall file Form NPAF-122 for that month in accordance with the instructions accompanying that form.

SEC. 16. Reports by foil or powder fabricators on Form NPAF-222. Each foil or powder fabricator shall each month complete and file Form NPAF-222 in accordance with the instructions accompanying the form, showing the volume of shipments, inventories, and unfilled orders. The Form NPAF-222 shall be filed in duplicate on or before the tenth day of each month by mailing to the Bureau of the Census, Industry Division, Washington 25, D. C., Ref: NPA Order M-5.

SEC. 17. Request for adjustment or exception. Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 18. Communications. All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-5.

SEC. 19. Records and reports. (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 20. Violations. Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect July 23, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8234; Filed, July 23, 1952;
12:17 p. m.]

[NPA Order M-80, Schedule C, as Amended
July 23, 1952]

M-80—IRON AND STEEL—ALLOYING
MATERIALS AND ALLOY PRODUCTS

SCHED. C—CHROMIUM AND CHROMIUM
NICKEL

This schedule, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. In the formulation of this schedule as amended there was con-

sultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. This schedule, as amended, is issued under NPA Order M-80, and is made a part of that order.

REGULATORY PROVISIONS

Sec.

1. Definitions.
2. Restricted uses.
3. Certification required.
4. Exceptions.
5. Communications.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; sec. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. Definitions. All definitions contained in NPA Order M-80, including the definitions of chromium and nickel contained in List I of that order, are applicable to this schedule.

SEC. 2. Restricted uses. Subject to the exceptions contained in section 4 of this schedule, no person shall:

(a) Melt, process, fabricate, or deliver, any heat-resistant chromium or chromium-nickel-alloy iron or steel for any particular use set forth in Appendix 1 of this schedule with a higher nickel or nickel-plus-chromium content than permitted for that use in said Appendix 1;

(b) Specify temperature requirements beyond those necessary to maintain his current operations, when ordering heat-resistant chromium or chromium-nickel-alloy iron or steel for any use indicated in Appendix 1 of this schedule;

(c) Increase the total weight of the heat-resistant chromium or chromium-nickel-alloy iron or steel, in redesigning or rebuilding any equipment or parts therefor, in any unit to an amount greater than 10 percent of the weight of such iron or steel contained in the original design of such unit.

SEC. 3. Certification required. No person shall deliver any heat-resistant chromium or chromium-nickel-alloy iron or steel for any of the uses set forth in Appendix 1 of this schedule unless he first receives from the purchaser to whom delivery is to be made, a signed certificate in the following form:

Certified under Schedule C to NPA Order M-80.

This certification shall constitute a representation by the purchaser to the person making delivery and to NPA that the purchaser will use such material only as permitted in this schedule.

SEC. 4. Exceptions. The provisions of this schedule shall not apply to alloying materials to be used for Navy shipboard installations where such use is approved on Form NPAF-60.

SEC. 5. Communications. All communications concerning this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-80, Schedule C.

This schedule as amended shall take effect July 23, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

APPENDIX 1 TO SCHEDULE C OF NPA ORDER M-80

RESTRICTIONS ON CERTAIN USES OF CHROMIUM AND CHROMIUM-NICKEL, IRON AND STEEL ALLOYS FOR HEAT-RESISTANT PURPOSES

(This schedule does not apply to applications that primarily require corrosion resistance.)

PART I

Parts for, or equipment used in, industrial, heat-treating, or other metallurgical furnaces

Temperature, °F.	Furnace parts						Electric heating elements			
	Moderate stress no thermal fatigue.			High or indeterminate stress or thermal fatigue exposed to oxidizing or neutral atmospheres.			In air atmosphere.		Protective atmosphere.	
	Maximum Ni percent	Maximum percent Ni plus Cr ¹		Maximum Ni percent	Maximum percent Ni plus Cr ¹		Maximum Ni percent	Maximum percent Ni plus Cr ¹	Maximum Ni percent	Maximum percent Ni plus Cr ¹
Below 900	0	0	0	0	0	0	0	0	0	0
900-1,000	2	20	10	10	35	37	56	56	56	56
1,000-1,100	2	20	10	10	35	37	56	56	56	56
1,100-1,200	2	20	10	10	35	37	56	56	56	56
1,200-1,300	10	35	10	10	35	37	56	56	56	56
1,300-1,400	10	35	10	10	35	37	56	56	56	56
1,400-1,500	15	42	15	15	42	37	56	56	56	56
1,500-1,600	15	42	15	15	42	37	56	56	56	56
1,600-1,700	15	42	37	37	56	37	56	37	56	56
1,700-1,800	15	42	37	37	56	37	56	80	100	56
1,800-1,900	15	42	37	37	56	37	56	80	100	56
1,900-2,000	37	56	37	37	56	37	56	80	100	56
Over 2,000	37	56	37	37	56	37	56	80	100	56

¹ Seamless wrought tubing; maximum 13 percent Ni and 38 percent Ni plus Cr.

² Cr content is a suggested value and not limited to maximum indicated.

PART IA

Parts for, or equipment used in, industrial, heat-treating, or other metallurgical furnaces

Temperature, °F.	Exceptions							
	Ammonia dissociation.		Salt ¹ bath electrodes (carburizing).		Endothermic gas generators—Muffles (hydrogen).		Metal reduction and sintering (hydrogen).	
	Maximum Ni percent	Maximum percent Ni plus Cr ¹	Maximum Ni percent	Maximum percent Ni plus Cr ¹	Maximum Ni percent	Maximum percent Ni plus Cr ¹	Maximum Ni percent	Maximum percent Ni plus Cr ¹
Below 900								
900-1,000								
1,000-1,100								
1,100-1,200			37	56				
1,200-1,300			37	56				
1,300-1,400			37	56				
1,400-1,500	80	100	37	56				
1,500-1,600	80	100	37	56				
1,600-1,700	80	100	37	56				
1,700-1,800	80	100	37	56			80	100
1,800-1,900	80	100					80	100
1,900-2,000	80	100					80	100
Over 2,000	80	100			80	100	80	100

¹ For neutral salt baths; 3 percent Ni and 33 percent Ni plus Cr.

² Cr content is a suggested value and not limited to maximum indicated.

PART II

Parts for, or equipment used in, furnaces for oil refineries, synthetic rubber plants, and cement mills

Temperature, °F.	Maximum Ni percent	Maximum percent Ni plus Cr ²
Below 600.....	0	0
600-1,000.....	0	0
1,000-1,500.....	0	0
1,500-1,800.....	0	0
1,800-2,000.....	0	0
2,000-2,200.....	0	0
2,200-2,400.....	11	35
2,400-2,600.....	11	35
2,600-2,800.....	15	42
2,800-3,000.....	15	42
3,000-3,200.....	15	42
Over 3,200.....	18	48

¹ Seamless wrought tubing, maximum 13 percent Ni and 38 percent Ni plus Cr.

² Cr content is suggested value and not limited to maximum indicated.

³ Under conditions of high stress, alloy C (11 maximum percent Ni and 32 maximum percent Ni plus Cr) may be used in temperature range 900°-1,400° F. In cases of seamless tubing footnote No. 1 applies.

PART III

Parts for power boilers and associated equipment

Temperature, °F.	For materials for nonload-carrying, non-pressure parts		Materials for load-carrying, non-pressure parts		Maximum allowable metal temperatures for load-carrying, pressure parts	
	Maximum Ni percent	Maximum percent Ni plus Cr ²	Maximum Ni percent	Maximum percent Ni plus Cr ²	Maximum Ni percent	Maximum percent Ni plus Cr ²
Below 800.....	0	0	0	0	0	0
800-900.....	0	0	0	0	0	0
900-1,000.....	0	0	0	0	0	0
1,000-1,500.....	0	0	0	0	0	0
1,500-1,800.....	0	0	0	0	0	0
1,800-2,000.....	0	0	0	0	11	32
2,000-2,200.....	11	32	14	42	11	32
2,200-2,400.....	11	32	14	42	11	32
2,400-2,600.....	11	32	14	42	11	32
2,600-2,800.....	11	32	14	42	11	32
2,800-3,000.....	14	42	22	50	14	42
3,000-3,200.....	14	42	22	50	14	42
3,200-3,400.....	14	42	22	50	14	42
3,400-3,600.....	14	42	22	50	14	42
3,600-3,800.....	14	42	22	50	14	42
3,800-4,000.....	14	42	22	50	14	42
4,000-4,200.....	14	42	22	50	14	42
4,200-4,400.....	14	42	22	50	14	42
4,400-4,600.....	14	42	22	50	14	42
4,600-4,800.....	14	42	22	50	14	42
4,800-5,000.....	14	42	22	50	14	42
5,000-5,200.....	14	42	22	50	14	42
5,200-5,400.....	14	42	22	50	14	42
5,400-5,600.....	14	42	22	50	14	42
5,600-5,800.....	14	42	22	50	14	42
5,800-6,000.....	14	42	22	50	14	42
6,000-6,200.....	14	42	22	50	14	42
6,200-6,400.....	14	42	22	50	14	42
6,400-6,600.....	14	42	22	50	14	42
6,600-6,800.....	14	42	22	50	14	42
6,800-7,000.....	14	42	22	50	14	42
7,000-7,200.....	14	42	22	50	14	42
7,200-7,400.....	14	42	22	50	14	42
7,400-7,600.....	14	42	22	50	14	42
7,600-7,800.....	14	42	22	50	14	42
7,800-8,000.....	14	42	22	50	14	42
8,000-8,200.....	14	42	22	50	14	42
8,200-8,400.....	14	42	22	50	14	42
8,400-8,600.....	14	42	22	50	14	42
8,600-8,800.....	14	42	22	50	14	42
8,800-9,000.....	14	42	22	50	14	42
9,000-9,200.....	14	42	22	50	14	42
9,200-9,400.....	14	42	22	50	14	42
9,400-9,600.....	14	42	22	50	14	42
9,600-9,800.....	14	42	22	50	14	42
9,800-10,000.....	14	42	22	50	14	42

¹ Seamless wrought tubing, maximum, 13 percent Ni and 38 percent Ni plus Cr.

² Cr content is suggested value and not limited to maximum indicated.

³ Operating temperatures of materials are based primarily upon load-carrying ability of indicated temperatures. The safe allowable working stress permissible at temperatures is determined by the applicable table found in the ASME Power Boiler Code.

[P. R. Doc. 52-8236; Filed, July 23, 1952; 12:18 p. m.]

[NPA Order M-84, as Amended July 23, 1952]

M-84—ALUMINUM FOR DESTRUCTIVE USES

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. In the formulation of this amended order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected has been rendered impracticable by the fact that

the order affects a very substantial number of different trades and industries.

REGULATORY PROVISIONS

Sec.

1. Purpose and scope.
2. Definitions.
3. Limitations on use of aluminum for destructive uses.
4. Assignment of right to use allotment symbols.
5. Restrictions on sales and deliveries.
6. Request for adjustment or exception.
7. Records and reports.
8. Communications.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. Purpose and scope. This order sets forth the procedure by which persons who require aluminum for destructive uses may obtain the appropriate quantities and grades of aluminum.

SEC. 2. Definitions. As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "NPA" means the National Production Authority.

(c) "Aluminum" means metallic aluminum in the form of pig, ingot, shot or grain, or rod extruded from reclaimed mounted foil scrap, as well as aluminum scrap as defined in paragraph (d) of this section, but does not include aluminum foil, powder, or paste.

(d) "Aluminum scrap" means all materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure, or other reason, the principal ingredient of which by either weight or volume is metallic aluminum, or from which metallic aluminum may be recovered by sweating, either of domestic generation or imported in either loose or pig form, and shall include all types and grades of aluminum residues, such as drosses, skimmings, fines, grindings, sawings, and buffings.

(e) "Destructive use" of aluminum means use in production where aluminum cannot be recovered as a metal, including but not limited to the following uses:

Steel deoxidizing and/or alloying.
Reduction of ferro-alloys (thermit reaction).
Thermit for welding.
Copper-base alloys.
Alnico.
Nickel alloys.
Magnesium-base alloys.
Zinc-base alloys.
Anhydrous aluminum chloride.
Chemical reactions.
Addition to galvanizing bath.
Explosive and pyrotechnical purposes (industrial and commercial).

SEC. 3. Limitations on use of aluminum for destructive uses. No person shall use a higher grade or greater

quantity of aluminum in destructive uses than is necessary for the particular purpose intended, notwithstanding the fact that the aluminum may have been received pursuant to a specific allotment under the Controlled Materials Plan.

SEC. 4. Assignment of right to use allotment symbols. (a) Any person who requires aluminum for any one or more of the following uses may use the allotment symbol X7 plus the "use" identifying number assigned by the order, set opposite the particular use on delivery orders for such aluminum:

Use	"Use" identifying no.
Steel deoxidizing and/or alloying.....	X7-1
Reduction of ferro-alloys (thermit reaction).....	X7-2
Thermit for welding.....	X7-3
Copper-base alloys.....	X7-4
Alnico.....	X7-5
Nickel alloys.....	X7-6
Magnesium-base alloys.....	X7-7
Zinc-base alloys.....	X7-8
Anhydrous aluminum chloride.....	X7-9
Chemical reactions.....	X7-10
Addition to galvanizing bath.....	X7-11
Explosive and pyrotechnical purposes (industrial and commercial).....	X7-12

Such allotment symbol may be used only to obtain the amount of aluminum actually required for production authorized under applicable NPA regulations, orders, or directives, and the aluminum so obtained may be used only in accordance with the limitations of section 3 of this order. Any delivery order bearing any one of the above allotment symbols and certified as provided in paragraph (c) of section 19 of CMP Regulation No. 1 shall constitute an authorized controlled material order for the purpose of all CMP regulations.

(b) Any person who has received an allotment of aluminum for any of the purposes set forth in paragraph (a) of this section, shall not use the procedure provided for in this section to obtain aluminum unless he shall first have returned such allotment as provided in section 18 of CMP Regulation No. 1.

(c) Any person who requires aluminum for any destructive use other than those listed in paragraph (e) of section 2 of this order may apply for authorization to use an allotment symbol to obtain such aluminum to the National Production Authority, Washington 25, D. C., Ref: M-84.

SEC. 5. Restrictions on sales and deliveries. No person shall sell or deliver aluminum to any person if he knows or has reason to believe such material is to be used in violation of the provisions of this order, and no person shall purchase or accept delivery of aluminum if such material is to be used in violation of the provisions of this order.

SEC. 6. Request for adjustment or exception. Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining re-

quests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

Sec. 7. Records and reports. (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

Sec. 8. Communications. All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-84.

Sec. 9. Violations. Any person who willfully violates any provision of this order, or any other order or regulation of NPA, or who willfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect July 23, 1952.

NATIONAL PRODUCTION
AUTHORITY,

By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8235; Filed, July 23, 1952;
12:18 p. m.]

[NPA Order M-88 as Amended July 23, 1952]

M-88—ALUMINUM DISTRIBUTORS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

EXPLANATORY

NPA Order M-88 of November 1, 1951, as amended by Amendment 1 of January 25, 1952, is amended in the following respects:

1. The definition of "aluminum" no longer includes aluminum foil or powder.
2. The definition of "distributor" in section 2 is broadened to include persons who deal in surplus aluminum.

3. Definitions of "surplus aluminum," "mill distributor," and "surplus distributor" are added to section 2.

4. Provision is made in a new section 4 for assignment and use of the allotment symbol AS by surplus distributors.

5. The provisions covering NPA assistance to distributors in placing authorized controlled material orders is amended to provide for such assistance by directive action.

6. Those sections of the order respecting records and reports and applications for adjustment or exception are amended to conform their language and provisions with corresponding provisions in more recent NPA orders and regulations.

This order as amended embodies, and in some respects revises, the substance of Amendment 1 to NPA Order M-88 of January 25, 1952.

REGULATORY PROVISIONS

Sec.

1. What this order does.
2. Definitions.
3. Assignment and use of AM numbers.
4. Assignment and use of the symbol AS.
5. Distributors who operate more than one warehouse or in more than one capacity.
6. How a mill distributor obtains aluminum.
7. How a surplus distributor obtains aluminum.
8. Limitations on acceptance of mill distributors' orders by aluminum producers.
9. Acceptance of orders which are not authorized controlled material orders.
10. Rejection of orders by distributors.
11. Certification.
12. Imported aluminum.
13. Applicability of other regulations and orders.
14. Request for adjustment or exception.
15. Records and reports.
16. Communications.
17. Violations.

AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. What this order does. The purpose of this order is to provide the means whereby aluminum distributors who purchase aluminum from domestic

aluminum producers may obtain replacements of their stock, and also to provide the means whereby aluminum distributors who deal with surplus stocks of aluminum may acquire material for resale. It specifies a tonnage limitation and item limitation for acceptance of authorized controlled material orders by distributors, and also permits distributors to accept and fill certain orders for aluminum controlled materials although they are not authorized controlled material orders. It authorizes mill distributors to place authorized controlled material orders with producers, and supplements CMP Regulation No. 4. It authorizes surplus distributors to place authorized controlled material orders with consumers of aluminum, an owner, a contractor, or a subcontractor (as defined in Revised CMP Regulation No. 6) to whom certain quantities may have become surplus, and it supplements section 17 (d) of CMP Regulation No. 1 and section 17 (f) of Revised CMP Regulation No. 6.

Sec. 2. Definitions. As used in this order: (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(b) "Aluminum" means only the following aluminum wrought forms and shapes:

Rolled bar, rod, wire (including drawn wire), structural shapes.
Aluminum cable steel reinforced (ACSR) and bare aluminum cable.
Insulated or covered wire or cable.
Extruded bar, rod, shapes, tubing (including drawn or welded tubing).
Sheet, strip, plate.
Pig or ingot, granular or shot.

(c) "Surplus aluminum" means aluminum in the possession of a consumer (as defined in CMP Regulation No. 1), an owner, a contractor, or a subcontractor (as defined in Revised CMP Regulation No. 6) who has properly received delivery of aluminum but cannot use it for a purpose permitted by section 17 (b) of CMP Regulation No. 1, or section 17 (d) of Revised CMP Regulation No. 6.

(d) "Distributor" means any person who is regularly engaged in the business of stocking any of the forms and shapes of aluminum listed in paragraph (b) of this section at a location regularly maintained by him for such purpose, for general sale or resale, in the form or shape in which received, or after performing such operations as cutting to length, slitting, shearing to size or shape, or sorting and grading. A person who, in connection with any sale from his stock, bends, punches, or performs any fabricating or processing operation designed to prepare aluminum for final use or assembly, is not a distributor with respect to such sale; and a person who, in connection with any purchase of aluminum for resale, does not take physical delivery of the material into his own stock, at a location regularly maintained by him for such purpose, shall not be deemed a distributor with respect to such resale.

(e) "Mill distributor" means a distributor who obtained aluminum from a do-

mestic aluminum producer during the base period.

(f) "Surplus distributor" means a distributor who buys and sells surplus aluminum.

(g) "Producer" means any person producing aluminum in any one or more of the forms or shapes listed in paragraph (b) of this section.

(h) "Base period" means the calendar year 1950.

(i) "AM number" means the allotment symbol AM together with the number which is assigned by NPA to each person who produces, smelts, fabricates, distributes, or sells aluminum.

(j) "AS symbol" means the allotment symbol AS used by persons engaged in the distribution of surplus aluminum in making purchases of aluminum in accordance with this order.

(k) "NPA" means the National Production Authority.

SEC. 3. Assignment and use of AM numbers. AM numbers in the 9000 series are assigned to mill distributors by NPA upon application in writing. A mill distributor shall use the AM number assigned to him by NPA, in the manner set forth in section 6 of this order, whenever he purchases or receives delivery of aluminum. No person shall use an AM number unless it has been assigned to him in writing by NPA. Nothing contained in this order shall be deemed to prevent the assignment of an AM number to persons who are assigned the symbol AS in accordance with section 4 of this order.

SEC. 4. Assignment and use of the symbol AS. The allotment symbol AS is assigned by NPA to surplus distributors upon application in writing. A surplus distributor shall use the allotment symbol AS in the manner set forth in section 7 of this order, whenever he purchases or receives delivery of surplus aluminum. No person may use the allotment symbol AS unless it has been assigned to him in writing by NPA. Nothing contained in this order shall be deemed to prevent the assignment of the symbol AS to persons who have been assigned an AM number.

SEC. 5. Distributors who operate more than one warehouse or in more than one capacity. (a) Any distributor who operates more than one warehouse may, for the purpose of this order, elect to consider all warehouses operated by him as one warehouse, or may treat each such warehouse as a separate distributor. Once an election is made, it may not thereafter be changed without written authorization of NPA.

(b) Any distributor may operate both as a mill distributor and a surplus distributor. In any such case, his operations as a mill distributor shall be governed by the provisions of this order applicable to mill distributors, and his operations as a surplus distributor shall be governed by the provisions of this order applicable to surplus distributors.

SEC. 6. How a mill distributor obtains aluminum. (a) In each calendar month a mill distributor may place orders with a domestic producer for the same quantity of each form and shape of aluminum

which he delivered during the preceding month, from his stock of aluminum purchased from a domestic producer, to fill authorized controlled materials orders, orders which he is permitted to accept under the provisions of section 9 of this order, or orders which he has been directed to fill by NPA. Such orders must bear the distributor's AM number and the certification required by section 11 of this order.

(b) In the event a mill distributor does not sell a sufficient quantity of forms or shapes during any single month to warrant a mill-rolling of that form or shape by the producer, he may accumulate the orders he is authorized to place by this order for that particular form or shape for a period not to exceed three calendar months. Orders which are accumulated in accordance with this paragraph may be considered to have been deliveries "during the preceding month" for the purposes of paragraph (a) of this section.

(c) In order to enable mill distributors to maintain inventories at a level consistent with the total supply of aluminum and the needs of consumers who normally purchase aluminum from mill distributors, NPA may from time to time authorize a mill distributor to acquire specific quantities of a given form or shape of aluminum in addition to the quantity he is permitted to order pursuant to paragraph (a) of this section.

(d) A mill distributor's order bearing his AM number and the certification required by section 11 of this order is hereby designated an authorized controlled material order for the purpose of all CMP regulations.

SEC. 7. How a surplus distributor obtains aluminum. (a) A surplus distributor may place orders for aluminum only with a consumer of such material, or an owner, a contractor, or a subcontractor who has properly received delivery thereof but who cannot use them for a purpose permitted by section 17 (b) of CMP Regulation No. 1 or section 17 (d) of Revised CMP Regulation No. 6, and who desires to dispose of them. Such orders must bear the allotment symbol AS and the certification required by section 11 of this order.

(b) A surplus distributor's order bearing the allotment symbol AS and his certification as required by section 11 of this order is hereby designated an authorized controlled material order for the purpose of section 17 (d) of CMP Regulation No. 1 and section 17 (f) of Revised CMP Regulation No. 6.

SEC. 8. Limitations on acceptance of mill distributors' orders by aluminum producers. (a) An aluminum producer need not accept an order bearing the mill distributor's AM number and the certification required by section 11 of this order if the mill distributor placing the order did not purchase aluminum from such producer during the base period.

(b) An aluminum producer need not accept an order bearing the mill distributor's AM number and the certification required by section 11 for any form or shape of aluminum which the mill distributor placing the order did not pur-

chase from the producer during the base period.

(c) If any order of a mill distributor is rejected by a producer, the mill distributor should apply to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-88, specifying the aluminum producer that refused to accept the order. NPA will assist him in locating sources of supply. NPA may from time to time issue directives to aluminum producers with respect to the acceptance of and shipment to fill a mill distributor's order.

SEC. 9. Acceptance of orders which are not authorized controlled material orders. Subject to the limitations provided in section 10 of this order, a mill distributor who has been assigned an AM number, or a surplus distributor who is entitled to use the allotment symbol AS may accept orders from persons who are not required to have an authorized production schedule or allotment, and who are not entitled to place an authorized controlled material order under any other order or regulation of NPA (for example: persons ordering aluminum for personal or household use), for shipment each month of a quantity of aluminum not to exceed, in the aggregate shipped to all such persons, 5 percent of his total sales from stock during the previous month.

SEC. 10. Rejection of orders by distributors. (a) Unless specifically directed by NPA, no distributor shall be required to accept any order calling for delivery to any one person at any one destination for any one month, and regardless of gages, alloys, sizes, or shapes, of more than 1,000 pounds of aluminum sheet or plate, more than 300 pounds of aluminum wire, rod, or bar, or more than 300 pounds of aluminum tubing, extrusions, or structural shapes.

(b) A mill distributor may accept an order from another mill distributor, but is not required to do so unless specifically directed to by NPA. No person operating solely as a surplus distributor may place an order with, or accept delivery from, any other distributor.

(c) NPA from time to time may earmark particular aluminum products in the inventory of any aluminum distributor for special treatment by such distributor. Any such earmarking shall be accomplished by the issuance by NPA of published schedules under this order or by directives to specified distributors. Such schedules or directives may provide, among other things, that the aluminum products so earmarked shall be held by the aluminum distributor solely for sale to persons designated by an agency of the United States Government. Such schedules or directives may contain such other provisions particularly applicable to such earmarked stock as NPA may deem appropriate. All provisions of any schedule or directive shall be deemed to be incorporated into and made a part of this order as of the effective date of the schedule, or directive, or amendment thereto, as the case may be. In the event of any inconsistency between a schedule or directive and this order, the provisions of the schedule or directive shall govern. Schedules or di-

rectives may be issued or amended at any time and from time to time, and shall remain in full force and effect until individually amended, superseded, or revoked.

SEC. 11. Certification. Each order for aluminum bearing the allotment symbol AM placed by a distributor with an aluminum producer and each order for aluminum bearing the allotment symbol AS placed by a distributor with a consumer, an owner, a contractor, or a subcontractor pursuant to this order shall contain a certification in substantially the following form:

Certified under CMP Regulation No. 1 and
NPA Order M-88

The certification shall be signed as set forth in NPA Reg. 2, and will constitute a representation to the person with whom the order is placed and to NPA that the purchaser is authorized to use the AM number or allotment symbol AS under the provisions of this order to obtain the material so ordered.

SEC. 12. Imported aluminum. Nothing contained in this order restricts or limits the acquisition of imported aluminum by persons who acquire title to such material before its entry into the United States, its territories or possessions, and who do not use the aluminum so acquired.

SEC. 13. Applicability of other regulations and orders. Nothing contained in this order shall be construed to relieve any person from the obligation of complying with such limitations as may be contained in any other applicable NPA regulation or order or of any order or regulation of any other competent authority.

SEC. 14. Request for adjustment or exception. Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 15. Records and reports. (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order

does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Each distributor shall file a report on Form NPAF-122 with the Bureau of the Census not later than the tenth day of each month following the month covered by the report.

(d) Persons subject to this order shall make such records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 16. Communications. All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-88.

SEC. 17. Violations. Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect July 23, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8237; Filed, July 23, 1952;
12:18 p. m.]

[NPA Order M-89, Amendment 2 of July 23,
1952]

**M-89—DISTRIBUTION OF CONTROLLED
MATERIALS TO RETAILERS
DELETION OF CERTAIN ALUMINUM ITEMS
FROM SCHEDULE**

This amendment to NPA Order M-89 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation

with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects a large number of different trades and industries.

AMENDATORY PROVISIONS

NPA Order M-89, as last amended May 9, 1952, is hereby amended in the following respects:

The following items in Schedule I of NPA Order M-89, as amended May 9, 1952, under the heading *C. Aluminum* are deleted, the other items under that heading being redesignated accordingly.

- \$25... (d) Foil in mill form, but not including foil sold for packaging or general household use 60
\$25... (h) Powder (atomized or flake, including paste) 60

As amended, Schedule I under the heading *C. Aluminum* now reads as follows:

C. Aluminum

- \$25... (a) Bars and rods, rolled or extruded 60
\$25... (b) Extruded shapes 60
\$35... (c) Sheets 60
\$50... (d) Tubing 60
\$25... (e) Drawn wire, such as used for guy wire or clothes line 60
\$25... (f) Insulated or covered wire or cable for electrical conduction 60

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect July 23, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8238; Filed, July 23, 1952;
12:18 p. m.]

[NPA Reg. 1, as Amended July 23, 1952]

NPA REG. 1—INVENTORY CONTROL

This regulation, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950, as amended. In the formulation of this amended regulation, consultation with industry representatives has been rendered impracticable because this regulation applies to all trades and industries.

This regulation, as amended, affects NPA Reg. 1, as amended by Amendment 1 of May 16, 1952, and by Amendment 2 of June 30, 1952, as follows: The second sentence of paragraph (b) of section 2 is changed in order to refer specifically to the period intended. Changes of a minor nature are made in paragraphs (a) and (b) of section 5. Section 13 is changed to provide for an election of the method of maintaining inventory records where more than one operating unit is involved. Certain items have been deleted from Table IA under the headings "Chemicals," "Forest Products," "Metals and Minerals," "Textile Materials" and "Miscellaneous." A few chemicals have been added to Table IA and certain items appearing in Table IB are also added to Table IA, as shown therein by asterisks.

Certain items have been deleted from Table IB. Other items have been deleted from Table II because of revocation or changes in certain of the M-orders previously listed therein.

Sec.

1. What this regulation does.
2. Definitions.
3. Materials affected.
4. Persons affected.
5. Restrictions on receipts.
6. Restriction on deliveries.
7. Restrictions on ordering.
8. Adjustment of orders.
9. Receipts permitted after adjustment of orders.
10. Imported materials.
11. Minimum production or sales quantities.
12. Excess inventory.
13. Separate operating units.
14. Relation to other NPA regulations and orders.
15. Defense against claims for damages.
16. Request for adjustment or exception.
17. Records and reports.
18. Communications.
19. Violations.

AUTHORITY: Sections 1 to 19 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. What this regulation does. The purpose of this regulation is to prevent the accumulation of excessive inventories of materials in short supply. It does this by limiting the quantities of such materials that can be ordered, received, or delivered.

Sec. 2. Definitions. As used in this regulation:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Practicable minimum working inventory" means the smallest quantity of material from which a person can reasonably meet his deliveries or supply his services on the basis of his currently scheduled method and rate of operation. In the absence of unusual circumstances, a person's inventory will be considered more than a practicable minimum working inventory if the ratio of his inventory to his currently scheduled operations is substantially greater than the ratio which he normally maintained between his inventory and his operations during any reasonably representative period in the 6 months ending June 30, 1950.

Sec. 3. Materials affected. This regulation applies only (a) to those materials listed in Table IA or Table IB (as amended from time to time) appearing at the end of this regulation, in the shapes and forms therein specified, or if no particular shape or form of any such material is specified, then in all shapes and forms of such material, and (b) to such other materials as may be made subject to it by any other NPA regulation or order.

Sec. 4. Persons affected. This regulation applies to all persons buying for use

or resale, including resale in export trade, except an ultimate consumer with respect to the buying of materials for his personal or household use.

Sec. 5. Restrictions on receipts. (a) Except as provided in paragraph (b) of this section, no person may receive or accept delivery of any material listed in Table IA of this regulation, if his inventory of such material is, or by reason of such receipt would become, more than a practicable minimum working inventory.

(b) No person buying for use in production or construction or for use as maintenance, repair, or operating supplies, may receive or accept delivery of any material listed in Table IB of this regulation, if his inventory of such material is, or by reason of such receipt would become, more than a practicable minimum working inventory, or more than the smallest quantity thereof reasonably required to meet his deliveries or supply his services on the basis of his currently scheduled method and rate of operation during the next succeeding number of calendar days listed for that material in column 2 of Table IB, whichever is less.

(c) In figuring his inventory a person must include all such material referred to in paragraphs (a) and (b) of this section, in his possession or held for his account by others, but not that held by him for the account of others. For the purpose of the restrictions in paragraphs (a) and (b) of this section, a material which is to be further processed is considered to be in inventory until actually put into process or actually installed or assembled. For the purpose of this regulation, processing does not include minor initial operations, such as painting, and does not include any shearing, cutting, trimming, or other operation, unless such initial operation is a part of a continuous fabricating or assembling operation; nor does it include operations such as inspection, testing, and aging, or segregation or earmarking for a specific job.

(d) Any person engaged in a seasonal business or industry who normally stocks inventory in advance of the season may, notwithstanding the restrictions in paragraphs (a) and (b) of this section, accept such advance delivery of his seasonal requirements provided that the deliveries accepted are no greater and no further in advance than those which he would normally accept in the ordinary course of his business to meet reasonably anticipated seasonal requirements.

Sec. 6. Restriction on deliveries. No person may deliver any material if he knows, or has reason to believe, that the person requesting delivery is forbidden to receive it by this regulation.

Sec. 7. Restrictions on ordering. (a) No person may place any order calling for delivery of any material earlier, or in larger amounts, than he would be permitted to receive under this regulation.

(b) No person may place separate orders with the same supplier, or with different suppliers, calling for delivery in the aggregate of any material in excess of the amount he is permitted to re-

ceive under this regulation even though he intends to cancel one or more of the orders before delivery.

Sec. 8. Adjustment of orders. (a) A person who, prior to the effective date of any amendment to this regulation, has placed any order for a material calling for delivery earlier, or in greater quantities, than he is permitted to receive under this regulation must promptly cancel, reduce, or defer delivery under, every such order to the extent necessary so that delivery will not result in his exceeding his practicable minimum working inventory of such material. Nothing in this section shall affect any obligation of, or liability incurred by, a person under this regulation prior to the effective date of any amendment of this regulation.

(b) A person whose requirements change because of an alteration in his operations, slowing or stoppage of his production, or delayed delivery by suppliers, or for any other reason, must promptly cancel, reduce, or defer delivery under, his outstanding orders to the extent necessary so that delivery will not result in his exceeding his practicable minimum working inventory.

Sec. 9. Receipts permitted after adjustment of orders. Where a person has promptly adjusted his outstanding orders as required by section 8 of this regulation, delivery of the material involved may be made and accepted, and the restrictions on receipts of materials provided in this regulation may be exceeded, in any of the following cases only:

(a) If the supplier has shipped the material or loaded it for shipment before receipt of the instruction to adjust the order.

(b) If the material is a special item which, before receipt of the instruction to adjust the order, the supplier had in stock, or in production, or for the production of which he had acquired special components or special materials. For the purpose of this section a "special item" is one which the supplier does not usually make, stock, or sell, and which cannot readily be disposed of to others.

(c) If the material had already been produced or was in production before receipt of the instruction to adjust the order and cannot be used to fill other orders on the producer's books.

Sec. 10. Imported materials. A person may import any material acquired prior to landing without regard to the inventory restrictions of this regulation. However, if his inventory of a material thereby becomes in excess of the amount permitted, he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this regulation do apply to any deliveries of the imported material he makes, and to the amount of it that any person accepting delivery from him is permitted to receive.

Sec. 11. Minimum production or sales quantities. In the case of materials that are mass produced or are normally marketed only in minimum sales quantities, a person may order and receive

from a producer a minimum production run of such a material, or from any other supplier a minimum sales quantity, provided it is not practicable for him to procure his needs from other suppliers in smaller quantities, even though his inventory of such material is thereby increased beyond a practicable minimum working inventory. He may not thereafter receive additional quantities of such material until his inventory thereof is reduced below a practicable minimum working inventory.

Sec. 12. Excess inventory. This regulation does not provide for disposal of excess inventory which may be on hand. Excess inventory may, however, be subject to requisition under certain circumstances, as provided in section 201 (a) of Title II of the Defense Production Act of 1950, as amended.

Sec. 13. Separate operating units. A person who has or may hereafter have more than one operating unit in his business may elect on or after July 23, 1952, to maintain separate inventory records for any of such units. After such an election has been made it may not at any time thereafter be changed without the prior written approval of NPA. The provisions of this regulation shall apply independently to any unit for which separate inventory records are maintained pursuant to this section.

Sec. 14. Relation to other NPA regulations and orders. Other or additional inventory restrictions are included in certain NPA orders and other regulations presently in effect, and may be included in NPA orders and other regulations issued in the future. The inventory restrictions of any such order or other regulation shall govern to the extent that they modify this regulation. Table II at the end of this regulation includes a list of materials with respect to which quantitative inventory restrictions are provided in the orders and other regulations listed in that table, in effect on the date specified in that table. Even if an NPA order or other regulation containing inventory restrictions is not listed in Table II, a person must nevertheless comply with such restrictions. Upon revocation in any manner of the inventory restrictions of an order or regulation listed in Table II, covering a material listed in Table IA or Table IB of this regulation, all provisions of this regulation shall apply to such material.

Sec. 15. Defense against claims for damages. Persons complying with this regulation are entitled to the protection afforded by section 707 of the Defense Production Act of 1950, as amended, which provides in part that "No person shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from his compliance with a rule, regulation, or order issued pursuant to this act, notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid."

Sec. 16. Request for adjustment or exception. Any person affected by any provision of this regulation may file a

request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

Sec. 17. Records and reports. (a) Each person participating in any transaction covered by this regulation shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this regulation. This regulation does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this regulation shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this regulation shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

Sec. 18. Communications. All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Reg. 1.

Sec. 19. Violations. Any person who wilfully violates any provision of this regulation, or any other regulation or order of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this regulation, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NPA Reg. 1, as so amended, shall take effect July 23, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

TABLE IA OF NPA REG. 1
(As amended July 23, 1952)

MATERIALS SUBJECT TO PRACTICABLE MINIMUM
WORKING INVENTORY LIMITATION

(See section 5 (a))

[Items preceded by asterisk (*) have been added or are changed in their description since issuance of NPA Reg. 1 as amended April 2, 1952]

CHEMICALS

Acetylene.
*Alkyl and aromatic substituted phenolic resins.
Alkyl polysulfide polymers (Thiokol-polymers, trade name).
Alpha picoline.
Argon.
Benzene (benzol).
*Bis-phenol.
Butadiene.
Calcium carbide.
*Charcoal, granular.
*Chlorine.
Cobalt salts and driers.
Copper chemicals.
Cyclohexanol.
Dihydroxydichlorodiphenylmethane.
Freon.
Lithium chemicals.
*Lithium metal.
Methylene chloride.
Monochlorotrifluoroethylene.
Naphthalene.
Nickel chemicals.
Oxygen.
Parachlorophenol.
Paranitrophenol.
*Paraphenyphenol.
*Parateritary butyl phenol.
Phthalic anhydride.
Pine oil.
Polyethylene.
Polyethylene resins.
Pyrethrum.
Pyridine.
Selenium compounds (as defined in NPA Order M-91).
Sulfur.
Sulfuric acid.
Toluene.

FOREST PRODUCTS

*Lumber as specified below (excluding inventories of producers or distributors, but including inventories of users).
Cedar: Port orford.
Cypress.
Douglas fir, thick clears.
Eucalyptus: Ironbark.
Pine: Southern, longleaf, upper grades.
Teak.
*Plywood, softwood AA grade, all thicknesses, exterior and interior; 1/2 inch, all grades, exterior.

LEATHER AND TANNING MATERIALS

Vegetable tanning materials:
Chestnut.
Wattle.

IRON AND STEEL

*Gray iron castings (excluding cast iron soil and pressure pipe and fittings), rough and semifinished.
*Malleable iron castings, rough and semifinished.
*Pig iron.
Steel:
*Forgings (rough as forged).
Iron and steel scrap.
*Non-nickel-bearing stainless (i. e., containing less than 1 percent nickel).

METALS AND MINERALS

- *Aluminum foil (plain coiled).
- *Aluminum powder (atomized or flake, including paste).
- Aluminum scrap.
- Asbestos, amosite.
- Asbestos, chrysotile, spinning fibers.
- Asbestos, crocidolite.
- *Beryllium: Metal, oxides, master alloys, and compounds.
- Cerium:
 - Cerium metal, cerium alloys, such as ferro-cerium and cerium compounds in which cerium is a recognizable component.
 - All scrap and waste material containing commercially recoverable cerium of the above listed types.
- *Chromium:
 - Chrome metal.
 - Ferro-chrome.
- *Cobalt: Cobalt metal, oxides, and hydrides.
- *Columbium: Pure metal and chemicals, ferro-columbium, ferro-columbium-tantalum (ferro-tantalum-columbium).
- Copper:
 - Refined copper (fire-refined and electrolytic).
 - Secondary copper and copper-base alloys.
 - All copper and copper-base alloy scrap containing commercially recoverable copper.
- Corundum, grain and superfines.
- Cryolite.
- Diamonds, industrial.
- Electrodes, carbon.
- Fluorspar, acid and ceramic grades.
- Graphite, artificial, electrodes and anodes.
- *Graphite, natural:
 - Crucible flake.
 - Ceylon lump, 97 percent and higher carbon.
- Iridium.
- Magnesium:
 - Magnesium, primary and secondary ingots.
 - Semifabricated shapes.
 - All magnesium-base alloy scrap containing commercially recoverable magnesium.
- *Manganese: Manganese metal and ferro-manganese.
- Mica, muscovite block and film, good stained and better.
- *Molybdenum:
 - Pure metal, powder, wire, rod, sheet.
 - Ferro-molybdenum, molybdenum oxide and molybdenum compounds.
- Nickel:
 - Nickel, alloyed or unalloyed.
 - Imported nickel matte.
 - Nickel and nickel alloy, metal (cathode nickel, pigs, shot, and other primary forms).
 - Nickel and nickel alloy, secondary.
 - Nickel and nickel alloy, semifinished; bars, rods, tubes, sheet bar, ingot, blooms, billets, sheet strip, and similar mill products not further manufactured.
 - All nickel and nickel-base alloy scrap and nickel silver scrap containing commercially recoverable nickel.
- Platinum.
- *Rutile.
- *Scrap, ferrous and nonferrous (except antimony, bismuth, cadmium, lead, and zinc scrap).
- *Selenium and selenium alloys.
- *Talc, block (lava grade).
- *Tantalum:
 - Pure metal and chemicals.
 - Ferrotantalum-columbium.
- *Tin:
 - Pig tin, primary or secondary.
 - All other materials and alloys containing 1.5 percent or more tin.
- *Titanium:
 - Sponge.
 - Semifabricated shapes.
 - Sheets, tubes, extrusions.
 - Titanium-bearing alloys.
 - Titanium-base alloy scrap.
- *Tungsten: Pure metal, powder, wire, rod, sheet, chemical compounds, ferrotungsten.
- *Vanadium: Ferrovandium, vanadium oxide, ammonium meta-vanadate, and other vanadium-bearing products.

Zirconium: Zirconium metal, ferro-aluminum-zirconium-silicon alloys, and all other metallic compositions used as sources of zirconium in the manufacture of any alloy products.

RUBBER MATERIALS

Natural rubber, dry.

TEXTILE MATERIALS

Nylon staple and nylon filament yarn.
Rayon yarn, high-tenacity.
Silk, noils and waste.
Twine, binder and baler.

MISCELLANEOUS

*Bristles, pigs' and hogs'.
*Components and parts for electric light bulbs and tubes.

CONTAINERS AND PACKAGING MATERIALS

Collapseable tubes.
Cylinders, gas.
*Metal cans.
Packaging closures made in whole or in part of controlled materials.¹

TABLE IB OF NPA REG. 1

(As amended July 23, 1952)

MATERIALS SUBJECT TO SPECIFIC CALENDAR DAY INVENTORY LIMITATION OR TO PRACTICABLE MINIMUM WORKING INVENTORY LIMITATION, WHICHEVER IS LESS

(See section 5 (b))

[Items preceded by asterisk (*) have been added or are changed in their description since issuance of NPA Reg. 1 as amended April 2, 1952]

Materials	Inventory limitation (calendar days)
*Aluminum castings (before machining)	60
*Aluminum forgings, pressings, and impact extrusions (before machining)	60
*Aluminum foil (plain coiled)	60
*Aluminum powder (atomized or flake, including paste)	60
Components and parts for electric light bulbs and tubes	60
*New drums, steel shipping	60
Iron:	
*Pig iron	30
*Gray iron castings (excluding cast iron soil and pressure pipe and fittings), rough and semifinished	60
Steel:	
Forgings (rough as forged)	60
Non-nickel-bearing stainless (i. e., containing less than 1 percent nickel)	45
Reels and spools, shipping and package, wholly or in part of metal	60
Rutile	45
Strapping, metal (but not less than 1,000 pounds)	60

¹ Packers may continue customary carload or truckload lot purchases provided deliveries are not received or accepted until inventories of drums of each size and type included in such carload or truckload is less than a 45-calendar-day supply. The practicable minimum working inventory limitation provision does not apply.

² The practicable minimum working inventory limitation provision does not apply.

³ Users customarily purchasing metal strapping in full carload lots may continue such purchases provided deliveries are not received or accepted until inventory is less than a 45-calendar-day supply. The practicable minimum working inventory limitation provision does not apply.

⁴ Packers may purchase packaging closures in carload or truckload lots provided deliveries of any size or type of packaging closures are not received or accepted until inventory of the particular size or type is less than a practicable minimum working inventory.

TABLE II OF NPA REG. 1

(As amended July 23, 1952)

MATERIALS SUBJECT TO SPECIAL INVENTORY RESTRICTIONS IN NPA ORDERS OR OTHER NPA REGULATIONS IN EFFECT ON JULY 23, 1952

(See section 14)

[Items preceded by asterisk (*) have been added since issuance of NPA Reg. 1 as amended April 2, 1952]

Materials	NPA order or regulation
Pig tin	M-8
Lead-base alloys (1.5 percent or more tin)	M-8
All other materials and alloys containing 1.5 percent or more tin	M-8
Copper, refined and/or scrap	M-16
Iron and steel scrap	M-20
Aluminum scrap	M-22
Cans	M-25
Steel, copper, and aluminum for electric utilities	M-50
Platinum and platinum scrap	M-54
Sulfur	M-69
Marine MRO	M-70
*MRO for rail transportation systems	M-73
*Communications	M-77
MRO for mining industry	M-78
Alloying materials:	
Boron	M-80
Calcium	M-80
Chromium	M-80
Cobalt	M-80
Columbium and tantalum	M-80
Manganese	M-80
Molybdenum, excluding pure molybdenum	M-80
Nickel	M-80
Silicon	M-80
Titanium	M-80
Tungsten, excluding pure tungsten	M-80
Vanadium	M-80
Zirconium	M-80
Pure tungsten	M-81
Pure molybdenum	M-81
Brass mill products	M-82
Copper wire mill products	M-86
MRO for solid fuels industry	M-87
Certain controlled materials in the inventory of a retailer	M-89
Selenium	M-91
Sulfuric acid	M-94
Cryolite	M-99
*Diamond grinding wheels	M-103
*MRO for iron and steel producers	M-105
Steel (controlled material shapes and forms)	CMP Reg. 2
Copper (controlled material shapes and forms)	CMP Reg. 2
Aluminum (controlled material shapes and forms)	CMP Reg. 2
MRO-general	CMP Reg. 5
MRO repairmen	CMP Reg. 7

Note: Interpretations 1, 2, and 3, as amended October 22, 1951, remain in full force and effect.

[F. R. Doc. 52-8239; Filed, July 23, 1952; 12:19 p. m.]

[NPA Reg. 2, Direction 3 as Amended July 23, 1952]

REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

DIR. 3—RESTRICTIONS UPON USE OF RATINGS

This amended direction to NPA Reg. 2 is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950, as amended. In the formulation of this direction as amended, consultation with industry representatives, including trade

association representatives, has been rendered impracticable by the fact that this direction applies to all trades and industries.

REGULATORY PROVISIONS

SECTION 1. (a) No rating shall be applied or extended to obtain any of the materials or products listed in any numbered item of Appendix A of this direction on or after the date set forth opposite such numbered item, unless the rating bears a program identification consisting of the letter A, B, C, or E, and one digit, or the program identification Z-1 or Z-2.

(b) These restrictions shall not affect the status of ratings applied or extended to obtain any item listed in Appendix A of this direction prior to the date set forth opposite each such numbered item.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Supp. 2154)

This direction as amended, shall, except as otherwise provided herein, take effect July 23, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

APPENDIX A OF DIRECTION 3 TO NPA REG. 2

Material or product	Effective date
1. Any basic, organic, or inorganic chemicals, their intermediates and derivatives, other than compounded end products not customarily sold as chemicals.	Sept. 25, 1951
2. Any primary paper or paperboard (this does not include paper or paperboard processed beyond the primary or base stock stage).	Jan. 15, 1952
3. Waterfowl feathers (goose or duck feathers and down, separated from the fowl, domestic and imported, new and used, regardless of length; except flight feathers having no natural curl).	May 12, 1952
4. Pigs' or hogs' bristles, and brushes and bristle products containing pigs' or hogs' bristles.	June 13, 1952
5. High-tenacity rayon (yarn of 250 denier or coarser and having an average tenacity of 3 grams per denier or higher).	July 18, 1952
6. Pig iron.	July 18, 1952
7. Aluminum foil, aluminum powder (atomized or flake, including paste).	July 23, 1952

[F. R. Doc. 52-8240; Filed, July 23, 1952; 12:19 p. m.]

[NPA Designation of Scarce Materials 1, as Amended July 23, 1952]

DSM-1—DESIGNATION OF SCARCE MATERIALS AND WITHDRAWAL OF PREVIOUS DESIGNATION

This amended designation is issued pursuant to section 102 of the Defense Production Act of 1950, as amended; Executive Orders 10161, 10200, and 10281; and Defense Production Administration Delegation 1, as amended (16 F. R. 738, 4594).

DSM-1, as last amended June 5, 1952, is amended by revising the designation of scarce materials contained in the appended List A and the withdrawals contained in the appended List B, and by revising section 8 to reflect the changes made in such designation and withdrawal.

REGULATORY PROVISIONS

- Sec.
1. Purpose of this designation.
 2. Definition of person.
 3. Designation of scarce materials.
 4. Receipts of imported materials.
 5. Receipts of minimum production or sales quantities.
 6. Receipts of materials after adjustment of orders.
 7. Applicability of other provisions of law, regulation, and orders.
 8. Withdrawal of designation of scarce materials.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Supp. 2154. Interpret or apply sec. 102, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Supp. 2072; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951, Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8769; 3 CFR, 1951 Supp.

SECTION 1. *Purpose of this designation.* Section 102 of the Defense Production Act of 1950, as amended, provides in part that, in order to prevent hoarding, no person shall accumulate (a) in excess of the reasonable demands of business, personal, or home consumption, or (b) for the purpose of resale at prices in excess of prevailing market prices, materials which have been designated as scarce materials or materials the supply of which would be threatened by such accumulation. This designation lists certain materials as scarce materials. It also prescribes in sections 4, 5, and 6, certain conditions under which a person may accumulate such materials in excess of the reasonable demands of business, personal, or home consumption. In addition it lists other materials which are withdrawn from their previous designation as scarce.

SEC. 2. *Definition of person.* As used in this designation, the word "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

SEC. 3. *Designation of scarce materials.* Each material included in List A of this designation, in the shapes and forms therein described, or in all shapes and forms if no particular shape or form is therein described, is hereby designated, pursuant to section 102 of the Defense Production Act of 1950, as amended, a scarce material. Whenever "material" or "materials" is hereinafter

used, it means any such designated material or materials.

SEC. 4. *Receipts of imported materials.* (a) Notwithstanding any provision of this designation, a person may import by land, sea, or air any material acquired by him prior to landing without regard to the reasonable demands of his business, personal, or home consumption. However, if his total quantity of a material accumulated thereby becomes in excess of the reasonable demands of his business, personal, or home consumption, he may not receive any additional amount of such material from any domestic source until his total quantity thereof has been reduced below an amount which is not in excess of the reasonable demands of his business, personal, or home consumption.

(b) Within the meaning of paragraph (a) of this section, importation by a person is not limited to the person who takes title to the material prior to landing or who pays the customs entry thereon, but includes a person who, prior to landing, purchases or contracts to purchase the material from or through an importing broker, wholesaler, or other importer, even though such broker, wholesaler, or other importer makes the customs entry in his own name, places the material on board the inland carrier for shipment to his customer, and retains title until such shipment is made. Within the meaning of paragraph (a) of this section, a material is not imported by a person who acquires such material from an importing broker, wholesaler, or other importer who took such material into his own stock or inventory.

SEC. 5. *Receipts of minimum production or sales quantities.* Notwithstanding any provision of this designation, in the case of materials that are mass-produced or are normally marketed only in minimum sales quantities, a person may order and receive from a producer a minimum production run of such material, or from any other supplier, a minimum sales quantity, provided it is not practicable for him to procure his needs from other suppliers in smaller quantities, even though his accumulation of such material thereby becomes in excess of the reasonable demands of his business, personal, or home consumption. After such receipt, however, he may not receive any additional amount of such material until his accumulation thereof has been reduced below an amount which is not in excess of the reasonable demands of his business, personal, or home consumption.

SEC. 6. *Receipts of materials after adjustment of orders.* Notwithstanding any provision of this designation, a person who has promptly instructed the supplier to reduce or defer delivery of a material under an order for such material previously placed by him with the supplier, to the extent necessary so that his accumulation of such material will not be in excess of the reasonable demands of his business, personal, or home consumption, may accept delivery of the material involved in any of the following cases only:

RULES AND REGULATIONS

(a) If the supplier has shipped the material or loaded it for shipment before receipt of the instruction to adjust the order.

(b) If the material is a special item which, before receipt of the instruction to adjust the order, the supplier has in stock or in production, or for the production of which he has acquired special components or special materials. For the purpose of this section a "special item" is one which the supplier does not usually make, stock, or sell, and cannot readily dispose of to others.

(c) If the material has already been produced or was in production before receipt of the instruction to adjust the order and cannot be used to fill other orders on the books of the producer.

SEC. 7. *Applicability of other provisions of law, regulations, and orders.* Nothing in sections 4, 5, and 6 of this designation shall be deemed to modify in any respect, or relieve any person from complying with, any applicable regulation, order, or other provision of law.

SEC. 8. *Withdrawal of designation of scarce materials.* The materials included in List B of this designation, all of which were designated as scarce materials in List A of NPA Designation of Scarce Materials 1 of June 5, 1952, are hereby withdrawn from such designation.

This Designation of Scarce Materials 1, as amended, shall take effect July 23, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

LIST A—DESIGNATION OF SCARCE MATERIALS

[Items preceded by asterisk have been added or are changes in their description since issuance of NPA Designation 1, as amended June 5, 1952]

CHEMICALS

Acetylene.
*Alkyl and aromatic substituted phenolic resins.
Alkyl polysulfide polymers (Thiokol-polymers, trade name).
Alpha picoline.
Argon.
Benzene (benzol).
*Bis-phenol.
Butadiene.
Calcium carbide.
*Charcoal, granular.
*Chlorine.
Cobalt salts and driers.
Copper chemicals.
Cyclohexanol.
Dihydroxydichlorodiphenylmethane.
Freon.
Lithium chemicals.
*Lithium metal.
Methylene chloride.
Monochlorotrifluoroethylene.
Naphthalene.
Nickel chemicals.
Oxygen.
Parachlorophenol.
Paranitrophenol.
*Paraphenylphenol.
*Paratertiary butyl phenol.
Phthalic anhydride.
Pine oil.
Polyethylene.

Polyethylene resins.
Pyrethrum.
Pyridine.
Selenium compounds.
Sulfur.
Sulfuric acid.
Toluene.

FOREST PRODUCTS

*Lumber:
Cedar: Port Orford.
Cypress.
Douglas fir, thick clears.
Eucalyptus: Ironbark.
Pine: Southern, longleaf, upper grades.
Teak.
*Plywood, softwood AA grade, all thicknesses, exterior and interior; 1/2 inch, all grades, exterior.

LEATHER AND TANNING MATERIALS

Vegetable tanning materials:
Chestnut.
Wattle.

IRON AND STEEL

Iron:
Pig iron.
*Gray iron castings (excluding soil and pressure pipe and fittings) rough and semi-finished; malleable iron castings, rough and semi-finished.
Steel (carbon, including low alloy, high strength alloy, and stainless): Ingots and semi-finished steel, including skelp; steel castings, rough and semi-finished; structural shapes and piling; plates; rails and track accessories; wheels and axles; bars, hot-rolled, including light shapes and reinforcing; cold-finished bars; pipe; tubing; wire, wire rods, and drawn wire products; tin plate, terneplate, and tin mill black plate; hot-rolled sheet and strip; cold-rolled sheet and strip; other mill shapes and forms.
Forgings, rough as forged.
Non-nickel-bearing stainless (i. e., containing less than 1 percent nickel).
Iron and steel scrap.

METALS AND MINERALS

Aluminum:
Primary and secondary in crude form.
Semifabricated shapes, castings (including die); forgings, plate, sheet and strip; foil; rolled structural shapes, rod, bar, and wire; extruded shapes, tube blooms, and tubing; powder, flake, and paste.
All aluminum and aluminum-base scrap containing commercially recoverable aluminum.
Aluminum castings (before machining).
Aluminum forgings, pressings, and impact extrusions (before machining).
Asbestos, amosite.
Asbestos, chrysotile, spinning fibers.
Asbestos, crocidolite.
*Beryllium: Metal oxides, master alloys, and compounds.
Cerium:
Cerium metal, cerium alloys, such as ferro-cerium and cerium compounds in which cerium is a recognizable component.
All scrap and waste material containing commercially recoverable cerium of the above listed types.
*Chromium:
Chrome metal.
Ferro-chrome.
*Cobalt: Cobalt metal, oxides, and hydrides.
*Columbium: Pure metal and chemicals, ferro-columbium, ferro-columbium-tantalum (ferro-tantalum-columbium).
Copper:
Refined copper (fire-refined and electrolytic) including refinery shapes such as wire bars, slabs, cakes, billets, and ingots.
Secondary copper and copper-base alloys.

Copper—Continued

Copper and copper-base alloys: alloy plate, sheet, and strip; alloy rod, bar, and wire (including extruded shapes); alloy tube and pipe; unalloyed rod, bar, and wire (including extruded shapes); unalloyed plate, sheet, and strip; unalloyed tube and pipe; copper and copper-base alloy castings; copper powder mill products.
All copper and copper-base alloy scrap containing commercially recoverable copper.
Corundum, grain and superfines.
Cryolite.
*Diamond grinding wheels.
Diamonds, industrial.
Electrodes, carbon.
Fluorspar, acid and ceramic grades.
Graphite, artificial, electrodes and anodes.
*Graphite, natural:
Crucible flake.
Ceylon lump, 97 percent and higher carbon.
Iridium.
Magnesium:
Magnesium, primary and secondary ingots.
Semifabricated shapes.
All magnesium-base alloy scrap containing commercially recoverable magnesium.
*Manganese: Manganese metal and ferro-manganese.
Mica, muscovite block and film, good stained and better.
*Molybdenum:
Pure metal, powder, wire, rod, sheet.
Ferro-molybdenum, molybdenum oxide and molybdenum compounds.
Nickel:
Nickel, alloyed or unalloyed.
Imported nickel matte.
Nickel and nickel alloy, metal (cathode nickel, pigs, shot, and other primary forms).
Nickel and nickel alloy, secondary.
Nickel and nickel alloy, semifinished; bars, rods, tubes, sheet bar, ingot, blooms, billets, sheet strip, and similar mill products not further manufactured.
All nickel and nickel-base alloy scrap and nickel silver scrap containing commercially recoverable nickel.
Platinum.
Rutile.
*Scrap, ferrous and nonferrous (except antimony, bismuth, cadmium, lead and zinc scrap).
*Selenium and selenium alloys.
*Talc, block (lava grade).
*Tantalum:
Pure metal and chemicals.
Ferro-tantalum-columbium.
*Tin:
Pig tin, primary or secondary.
All other materials and alloys containing 1.5 percent or more tin.
*Titanium:
Sponge.
Semifabricated shapes.
Sheets, tubes, extrusions.
Titanium bearing alloys.
Titanium-base alloy scrap.
*Tungsten: Pure metal, powder, wire, rod, sheet, chemical compounds, ferrotungsten.
*Vanadium: Ferrovandium, vanadium oxide, ammonium meta-vanadate and other vanadium bearing products.
Zirconium: Zirconium metal, ferro-aluminum-zirconium-silicon alloys, and all other metallic compositions used as sources of zirconium in the manufacture of any alloy products.

RUBBER MATERIALS

Natural rubber, dry.

TEXTILE MATERIALS

Nylon staple and nylon filament yarn.
Rayon yarn, high tenacity.
Silk, noils and waste.
Twine, binder and baler.

MISCELLANEOUS

*Bristles, pigs' and hogs'.
 *Metal cans.
 Collapsible tubes.
 Components and parts for electric light bulbs and tubes.
 Cylinders, gas.
 *New drums, steel, shipping.
 Packaging closures made in whole or in part of controlled materials.
 Reels and spools, shipping and package (wholly or in part of metal).
 Strapping, metal.

LIST B—MATERIALS WITHDRAWN FROM THEIR PREVIOUS DESIGNATION AS SCARCE IN LIST A OF NPA DESIGNATION 1 AS AMENDED JUNE 5, 1952

BUILDING MATERIALS

Cast iron pressure pipe and fittings.
 Cast iron soil pipe and fittings.

CHEMICALS

Alkyl phenol.
 Alkyl phenol resins.
 Allethrin.
 Amylphenol.
 Butyl phenol.
 Carbon disulfide.
 Chloroform.
 Chlorophenol-para.
 Cyclohexylamine.
 Dichlorobenzene, ortho, meta and para.
 Dichlorodiphenyltrichloroethane.
 2-4 Dichlorophenoxy acetic acid.
 Diphenylamine.
 Ethylene oxide.
 Hexylresorcinol.
 Hydrofluoric acid and compounds derived therefrom.
 Iron oxide yellow.
 Lead naphthenate.
 Melamine resins and molding powders.
 Naphthenic acid.
 Orthophosphoric acid.
 Phenothiazine.
 Phosphorus.
 Polytetrafluorethylene.
 Polyvinylidene chloride and copolymer resins.
 Resorcinol.
 Resorcinol resins.
 Sebacic acid.
 Sodium chlorate.
 Sulfonated oils.
 Zinc chloride.
 Zinc ammonium chloride.

FOREST PRODUCTS

Lumber (except railway cross-ties, mine ties, and hardwood flooring).
 Plywood (softwood and hardwood).
 Wood poles and piles.
 Paper, paperboard, wet machine board, and construction paper and board materials, all types and grades.
 Converted paper and board products, all types and grades.

IRON AND STEEL

Gray iron castings (including soil and pressure pipe and fittings) rough and semi-finished.

METALS AND MINERALS

Boron: Ferro-boron, boron metal and all other alloys used as sources of boron.
 Calcium: Calcium-silicon, calcium-manganese silicon, and metallic calcium.
 Mica, splittings, muscovite, and phlogopite.
 Osmium.
 Scrap, nonferrous, all types. (Antimony, bismuth, cadmium, lead and zinc scrap are removed from this item.)
 Silicon: All grades of ferro-silicon, including silvery iron or silicon pig; all grades of silicon metal; and all other compositions containing more than 6 percent silicon, which are used as sources of silicon in the manufacture of any alloy products.
 Tin:
 Tin, chemicals, including tin oxide.
 Tin products such as tin pipe and sheet.
 All alloys containing tin.
 All tin and tin-base alloy scrap containing commercially recoverable tin.
 Zinc, slab (all grades).

TEXTILE MATERIALS

Bristle, nylon tapered.
 Burlap, Hessian (in the piece).
 Cotton duck, army (in the piece).
 Cotton duck, numbered (in the piece).
 Webbing (heavy military types).

MISCELLANEOUS

Aluminum foil, converted.
 Cellophane.
 Containers and fabricated products made wholly or partly from aluminum foil.
 Containers, metal delivery and fluid milk shipping containers.
 Containers, other shipping containers, packages and packaging material, except glass containers.
 Textile bags.

Unit packages, wrappers, and shipping containers of all types made wholly or partly from any of the following films and plastics: Cellophane, cellulose acetate, cellulose acetate butyrate, ethyl cellulose, melamine resins and molding powders, methyl cellulose, phenolic resins and molding powders, phlofin, polyethylene, polystyrene and copolymers, polyvinyl alcohol, polyvinyl chloride and copolymers, polyvinylidene chloride and copolymers, and urea resins and molding powders.

RUBBER MATERIALS

Synthetic rubbers, including latices, GR-S, butyl, neoprene, and N-types.

[F. R. Doc. 52-8241; Filed, July 23, 1952; 12:19 p. m.]

Chapter XIV—General Services Administration

MANGANESE REGULATIONS

DOMESTIC MANGANESE PURCHASE PROGRAM

Correction

In F. R. Doc. 52-7544, appearing at page 6154 of the issue for Wednesday, July 9, 1952, section 5 (a) should be changed as follows:

Sec. 5. Specifications—(a) Chemical requirements. All shipments must meet the following chemical analysis:

	By weight (dry basis) (percent minimum)
Manganese (Mn).....	40.0 (percent maximum)
Iron (Fe).....	16.0
Silica plus Alumina (SiO ₂ plus Al ₂ O ₃).....	15.0
Phosphorous (P).....	.30
Copper plus lead plus zinc (Cu plus Pb plus Zn).....	1.00

¹ Of which not more than 0.25 percent may be copper.

Analyses superior to the foregoing are desired.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 925]

[Docket No. AO-226-A3]

HANDLING OF MILK IN PUGET SOUND, WASHINGTON, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, 900.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of this recommended

decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after its publication in the FEDERAL REGISTER.

A public hearing was called by the Production and Marketing Administra-

tion, United States Department of Agriculture, following a request of the United Dairymen's Association, and was held March 11-14, 1952. The major issues presented on the record of the hearing and covered by this decision relate to:

1. Revision of the method of computing producer bases and of the rules governing the allotment and application of such bases.

2. Modification of the definition of "handler" to include bargaining cooperatives which do not operate plants.

3. Introduction of a provision designed to change the Class I price differential automatically in response to changes in the Class I sales and producer supply relationship on a 12 months' moving average basis; revision of the date by which the monthly Class I price is announced; and adoption of a provision requiring changes in the Class I price

to be made in steps of not less than 23 cents per hundredweight.

4. Revision of location adjustments applicable to Class I milk and deliveries of base milk.

5. Introduction of location adjustments applicable to Class II milk and excess milk deliveries.

6. A proposed expansion of the marketing area as defined in the order.

7. The reclassification of certain milk products from Class I milk to Class II milk; and revision of the method of computing and allocating milk shrinkage.

8. The exemption of a handler's "own production" from classification and pricing.

9. Revision of the Class II price formula and of the method of computing the respective butterfat differentials to handlers and to producers.

10. Several proposed changes in definitions and other provisions for the purpose of clarification and to improve administrative procedures.

An additional issue of record, that of adopting an appropriate price differential for Class I milk, was considered in a decision of the Secretary of Agriculture issued April 11, 1952, and an amendment to the order revising the previous differential was made effective May 1, 1952. No further discussion of such issue is necessary.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) The "base" and "excess" plan of payment for milk should be modified.

Producer organizations proposed a major revision of the base and excess plan of payment for milk. Under the proposal individual producer bases would be effective in each month of the year (from March 1 to the end of the following February) and would be computed with respect to the producer's average deliveries in the four months (excluding April, May and June) of his lowest production within the most recent calendar year. Other changes proposed would modify the method of establishing original bases for "new" producers and would revise the rules governing the application of bases once computed. The plan now in effect provides for bases to be computed once a year on average deliveries during the months of October through January and to be effective only in the following months of March through September.

Testimony of proponents disclosed concern that the present plan might tend over a period of time to induce a shortage of milk in the months of August and September as producers attempt to have their cows freshen near the beginning of the (October through January) base-making period. It was stated also, however, that producers can and will respond well to a fixed base-making period such as the four months named. Production data were introduced to demonstrate unseasonably low production in August and September 1951 and increased production in the remaining months of last year as compared with the previous year and in relation to customary August and September levels.

In support of the year-round application of bases it was contended further that under the present plan the producer who evens out his production throughout the year is penalized during the base-forming period by being forced to receive the excess price for a portion of his production while the producer who is attempting to expand his base for the next year through increased deliveries in the base-making months receives a higher proportion of the market's sales than his "earned" base entitles him to receive. The latter producer, it was stated, should not be subsidized by those who already have evened out their production curve. It was argued that if the market requires "excess" milk to satisfy Class I requirements in the base-forming period, the order already provides sufficient reward to the producer who is attempting to expand base in that the proceeds from those Class I sales over and above the total quantity of base milk delivered in such months is included in the computation of the price for excess milk.

The principal purpose of the base and excess plan of payment is to encourage a production curve for milk more nearly suited to the sales pattern of the market by providing returns to the individual producer directly related to his ability to increase deliveries of milk in the fall and winter months as compared with deliveries in spring and summer. Some further shift in deliveries to the fall and winter months would be desirable in maintaining adequate supplies on a year-round basis and to make possible more efficient utilization of milk in the months of seasonably high production.

During the only season of low production which has occurred since the effective date of the order producers expanded production substantially above previous levels for such period. Although August and September production in 1951 was lower than in preceding years in relation to the peak production month, deliveries during the following months did not follow the usual seasonal trend. The record indicates that a decrease of as much as 50 percent could be expected between June of any year and the following November. In the comparable period of 1951 deliveries fell less than 27 percent. An unusually even pattern of production existed from August 1951 through February 1952, the latest month for which data were included in the record. Based upon the limited experience available, the seasonal production trend of Grade A milk in 1951 appeared to be far more suited to the market's requirements than in other recent years.

It does not appear that the plan submitted by the proponents would have greater effect in accomplishing the objectives sought than the type of plan currently in use. Under the proposed plan a producer attempting to deliver increased quantities of milk in the fall months when the need for additional supplies is greatest would be required to take less than the base price for quantities delivered in excess of his base carried over from the four months of his lowest production in the previous calendar year. If the producer is to change his breeding and feeding practices to

increase fall milk production he should be given the maximum encouragement possible within the prevailing framework of class prices. Participation in the returns for milk during the fall season on the same basis for all producers should provide greater incentive in this respect than the plan of proponents. The retention of an "open period" for the establishment of bases annually, as contrasted with the proposed application of bases to deliveries in all months, will provide a more reliable basis for judging the total production response to the producer price level. If deliveries are well adjusted to Class I sales in the base-making months, relatively few producers will be disadvantaged by sharing with other producers the total market proceeds from milk through the medium of a uniform price. The small disadvantage which might result for some producers from open period plan as compared with the plan of proponents is outweighed by the advantages of the former plan as outlined above.

Unusual weather characterized by lack of rainfall was a major factor in the relatively low production of August and September 1951. The testimony indicates, however, that encouragement to freshen cows earlier in the year than October 1 should be given to maintain or increase supplies in the early fall. With this in view it is concluded that the annual base-making period for producers should be the September-December period instead of the months of October through January and changes in order provisions have been made accordingly. Bases so computed would be in effect from February through August of the following year.

The provisions relating to the establishment of bases for producers entering the market for the first time during the months of February through August (and as an alternate method for producers who desire to cancel base in preference for treatment as new producers) also have been revised to insure more uniform adherence to the basic provisions of the plan. The record indicates that the monthly percentages of deliveries for the individual months provided under such "new producer" provisions, which were adopted originally without the benefit of operating experience to permit the free entrance of new producers into the market and as a means of preventing undue hardship on regular producers in individual instances, have been unduly high. During the one year of operation, more than 15 percent of the regular producers cancelled bases made on October 1950-January 1951 deliveries in favor of bases computed in the manner primarily intended for new producers. This method of establishing base actually was utilized by regular producers to a much greater extent than by new producers. Unless changed, the provision would make the base plan relatively ineffective as a program of encouraging a production pattern in line with market requirements. It is concluded that such percentages should be reduced as provided in § 925.60 (b) of the order made a part of this decision.

The further revision to include definite percentage figures will add clarity to the provision by making known in advance

what monthly percentage is available to the producer and will simplify base computations for the producer who delivers to more than one plant during the same month. Other minor changes have been made also in the rules governing the application of computed bases in order to improve the workability of the payment plan.

One proposal offered would enable new producers delivering to a fluid milk plant or country plant which was a non-pool plant during the base-making months to receive bases computed on deliveries in such prior base-making period. Since this would provide different treatment for some new producers as compared with others, the suggested provision should be denied.

(2) The definition of "handler" should not be broadened to designate a cooperative association not operating a fluid milk plant or country plant as a handler for purposes other than those described in § 925.15 (b).

Proposals were made at the hearing by producer and handler groups to consider a bargaining cooperative to be a handler with respect to milk of its members received at fluid milk plants or country plants of proprietary operating handlers, thus requiring payment to the cooperative of the class utilization value of the milk and establishing the cooperative as the medium between the market administrator and the plant operator through which monthly reports of milk utilization would be filed with to the market administrator and payments to the producer-settlement and administrative assessment funds would be made. A similar proposal was made by producer representatives at the original promulgation hearing. For the present hearing, producer proponents of such proposal also suggested a corollary provision which would permit any handler cooperative to reduce a required payment to the producer-settlement fund by the amount by which the proprietary handler buying milk from the cooperative defaults or delays in making payment to it at the class prices.

Producer proponents stated in support that accounting for base milk under the present system of reporting is made unnecessarily cumbersome. The milk of an individual producer may be delivered to several different plants during the course of a pay period requiring the coordination of information regarding his deliveries of milk by the cooperative before the payment obligations of the several handlers involved to the association and to the market administrator can be determined. It is contended that the proposed changes would simplify the reporting of computed base and excess milk for a substantial number of producers who are in this position. Additional testimony of proponents indicates that supplemental invoices with respect to existing "premium" payments above the Class II price by handlers for excess milk would be eliminated by the change and would make unnecessary supplemental invoices concerning Class I price premiums if the latter are ever sought by the cooperatives. As to collection at the class prices for milk caused to be delivered by the cooperative directly

from farms to a proprietary handler's plant, proponents contend that the position of the bargaining cooperatives is no different from that of cooperatives operating plants covered by the regulation in that in either case the handler who fails to make payment on time places the cooperative in the position of being unable to make its payments to the producer-settlement fund.

The original decision of the Secretary dated April 5, 1951, official notice of which has been taken, denied the suggested provision on the following grounds: "Its adoption would result in unnecessary administrative complications and duplication with respect to matters of reporting, classification, allocation and payment by introducing a third party in transactions between the market administrator and those persons primarily to be regulated and who have first hand knowledge of the receipt and disposition of the milk to be priced."

In the administration of milk orders of this type it is necessary to require the market administrator to deal, in matters regarding the reporting, classification, and payment for milk, with those who must ultimately be held responsible for financial obligations to producers resulting from the utilization of milk. From the standpoint of administrative practice and enforcement procedure it is evident that such matters can best be resolved by securing reports and payments directly from those who have first hand knowledge of the receipt and disposition of the milk. The bargaining cooperative has no knowledge of receipts or utilization other than that furnished by handlers voluntarily or that which the market administrator might be required to transmit to it. In this respect, the bargaining cooperative is in a different position from the operating cooperative which physically receives and tests producer milk and sells specific quantities to handlers on a class use basis. The latter cooperative has original records of milk received and, under present order terms, is not excused from payment to the market administrator on time if a handler fails to pay the cooperative for milk purchased. In the absence of compelling reason for following other administrative procedure, it is concluded that the present policy should be continued under the Puget Sound order.

It is recognized that the necessary exchange of reports between the bargaining cooperative and handlers regarding deliveries of individual producers to determine base milk and excess milk is somewhat cumbersome and time-consuming. The limited time period following the end of the month allowed handlers for making their monthly reports to the market administrator has contributed somewhat to the difficulties which have arisen. Such difficulties, however, are not sufficient to outweigh the considerations outlined above, especially since they may be somewhat ameliorated by setting forward by two days the date by which handlers must make their regular reports to the market administrator. It should be noted also that the problem is limited to the seven months of the year when bases

are in effect. Moreover, the proposal of these producers would not reduce the total number of processes involved in completing producers' payments to cooperatives and others through the producer settlement fund. It is concluded, therefore, that the order should be amended in this connection only to the extent of setting forward by two days the date on which handlers are required to make their regular reports to the market administrator.

(3) A "price mover" to change prices automatically should not be adopted at this time; the date for announcement of the monthly Class I price should not be changed; the Class I price differential should not be established on a "bracket" schedule. Producers proposed the adoption of a "price mover" which would revise the level of the Class I price differential automatically in accordance with changes in the supply and Class I sales relationship in the most recent 12-month period from the relationship which existed in a selected base period (12 months ended May 31, 1952). The price differential would be increased or decreased, as the case might be, by 3 cents for each percentage point of variance from the base period percentage.

The record indicates the main objective of this provision to be a measure of the supply response of producers to price. According to proponents the effect of shortrun influences which might affect either the supply situation or the demand for Class I milk over the period of a month or two should not be reflected in the computation and therefore a 12-month moving average relationship was suggested. The inclusion in the order of a provision which would assist in a reasonable forecast of supply and demand conditions for the immediate period ahead would have considerable merit in this market. Whether the plan proposed would accomplish such an objective is highly questionable. The record does not provide a basis for a conclusion that the resulting price changes, either up or down, would keep in step with changes in market requirements in view of industrial and military factors present within the marketing area which, past experience has shown, can result in a rapidly changing demand situation.

During several months of the base period selected for proposed formula abnormal production conditions prevailed. A severe drought was experienced which reduced milk production and raised production costs. No reasonable measure is available for judging whether the extremely close balance of production and sales during the latter half of 1951 was the result of accurate pricing, abnormally bad production conditions, or to some extent the influence of the adoption of a base and excess plan of payment on a market-wide basis with the advent of the order. Certainly the production pattern for 1951 did not follow the usual seasonal trend. The record discloses misgivings by proponents as to the base period suggested under their plan. At the time of the hearing market data for only a seven-month period was available for study.

Figures are not available prior to June 1, 1951 from which one could determine

that another base period would be more suitable. In view of the particular base period selected and the limited information available from which to develop a possible alternative formula which might be expected to work adequately over a period of time, it is concluded that no automatic price mover should be adopted at this time.

A proposal was made to require the market administrator to publicly announce on or before the 25th day of each month the minimum price for Class I milk to be effective for the following month. The desirability of informing handlers of the Class I price in advance is recognized. Following a well established custom in a number of regulated markets, at the beginning of this regulation the monthly Class I price differential in such market was related to a basic formula price employing data for the preceding month in order that handlers might have the Class I price early in the month during which it was to be effective. To use basic formula price data for the second preceding month (possibly an even earlier month might be necessary) could introduce undesirable seasonal aspects in the establishment of the Class I price and would make such price less responsive to current conditions. Information is available within the industry and in official publications from which handlers can make reasonably accurate estimates of the Class I price level for any month or before the first day of such month. It is concluded that the proposal should not be adopted.

Another proposal would change the Class I price in steps of not less than 23 cents. In other words, monthly price changes under the formula would be allowed to accumulate until a total of 23 cents or more is indicated and then the price would be changed by an amount equal to the sum of the monthly changes. This principle would be followed whether prices are increasing or declining.

An exhibit was introduced by proponents to show how such plan would have worked in 1949, 1950, 1951 and the first three months of this year. It is suggested from these data that the number of price changes could be reduced without loss of returns to producers and that the handlers' position in buying milk would be improved under resale price controls in effect. The significant portion of the statistics presented cover the period June 1951 through March 1952. This is the period the order has been in effect. Data prior to June of last year are hypothetical since they are backward projections of the formula adopted at that time and do not necessarily reveal what might have happened had the order been instituted sometime prior to 1949. Since July 1951 Class I prices have changed more than 5 cents per hundredweight from one month to the next on four separate occasions. Under the plan proposed three changes of not less than 23 cents each would have occurred in this period. The sum of the four sizable price changes under the present plan was 78 cents per hundredweight (34, 19, 14, and 21=78) while the sum of price changes (28, 27, and 24) under the proposed plan would have

been 79 cents. The minor price variations of -4, -2, and +6 cents which occurred also during the period under the plan in effect may not be considered as significant from a resale price standpoint. It should be noted also that in the same period the current plan resulted in an average Class I price for the period of \$5.91 as compared with \$5.88 for proponents' plan. It is evident from marketing and production conditions as shown by the record that any plan which would have reduced returns to producers during this particular period would not have been superior to the plan which prevailed. In consideration of the above there appear to be no important advantages for either producers or handlers in the plan suggested, and it is concluded that such plan should not be adopted.

(4) Present price adjustments for location should be revised by increasing such adjustments by 15 cents per hundredweight. That is to say the adjustment for milk received at plants not located in District 1 or in the counties of Kitsap and Mason should be increased from 25 cents per hundredweight to 40 cents per hundredweight and the adjustment for milk received at plants in Clallam and Jefferson counties, which is at present 35 cents per hundredweight, should be increased to 50 cents per hundredweight.

Producers proposed that these adjustments be increased by 25 cents per hundredweight.

The purpose of these adjustments is to reflect the different values of milk received at plants located at different distances from the centers of consumption within the marketing area. The marketing of milk received from producers in Districts 2 and 3 requires performance of more and more costly services than does the marketing of milk received from producers in District 1. The purpose of the location adjustment is to reflect the additional costs and values of these additional services.

Typically, in District 1 milk received from producers is shipped directly in cans from producers' farms to plants in or near the consumption area where it is weighed, tested, recorded, processed, bottled, and loaded on routes for resale and wholesale distribution. The cost to farmers of shipping milk to plants in District 1 averages 22.7 cents per hundredweight. In Districts 2 and 3 the typical marketing procedure is for producers' milk to be shipped from farms to so-called country receiving stations where it is weighed, tested, recorded, and cooled and thereafter shipped to the consumption areas in tank trucks.

It appears that the average cost to farmers of shipping milk from farms to country stations in Districts 2 and 3 is about 28.5 cents per hundredweight. The average cost for transshipping milk from country receiving stations in Districts 2 and 3 to areas of consumption is about 25 cents per hundredweight. The cost of operating the country receiving stations was stated to range from about 25 to about 32 cents per hundredweight and to average approximately 27 cents per hundredweight. In providing for appropriate location differen-

tials it is not, of course, necessary to take into account the total cost of operating country receiving stations because the services performed at these stations are largely the same as those performed at the city processing plants in District 1 on milk received directly from producers and with respect to which no charge is made against producers. Since we are concerned here only with the additional cost of handling milk received in Districts 2 and 3 as compared with direct shipped milk received in District 1, the savings in cost at city plants on transshipped milk may therefore be offset against the costs incurred at the country station. For some months co-operatives have been charging handlers 10 cents per hundredweight additional on bulk milk furnished to handlers in tanks from country receiving stations. This 10 cents appears to represent a reasonable equating of the additional cost of performing these services at country stations and of the additional value of these services to handlers. Ten cents per hundredweight, therefore, should be added to account for the additional services performed at country stations.

It appears that the total value of services performed on milk received from producers in Districts 2 and 3 is about 63.5 cents per hundredweight, i. e., farm to country plant transportation 28.5 cents; country plant handling 10 cents; country plant to District 1 plant transportation 25 cents. The cost of performing services on milk received from producers in District 1 is 22.7 per hundredweight. Hence, the additional cost of performing services on milk received in Districts 2 and 3 is about 40.8 cents per hundredweight, i. e. 63.5 cents minus 22.7 cents. An allowance of 40 cents per hundredweight will thus reflect reasonably the additional services performed on milk received from producers in Districts 2 and 3 as compared with the services performed on milk received directly at plants in District 1.

An additional 10 cents per hundredweight is provided with respect to milk received from producers in Clallam and in Jefferson counties to account for the additional costs of ferry transportation involved in moving this milk into the consumption area.

(5) A location adjustment should be adopted with respect to milk originating in District 1 of the marketing area which is utilized in certain Class II milk products and with respect to "excess" milk originating in such district.

Producers proposed a location adjustment of 25 cents per hundredweight to be applicable to milk originating in District 1 of the marketing area and used in certain Class II milk products and to milk delivered by producers to plants in such district over and above their deliveries of base milk.

Since prior to the inception of the order the total Class I use of milk annually in District 1 has exceeded the Grade A milk deliveries of producers to plants in such district. Also milk, of either Grade A or factory quality, must move from the outlying areas (Districts 2 and 3) into the central portion, or main consuming center, of the marketing area

during a substantial part of the year to meet the need for certain products covered by Class II milk. Handlers customarily bid for the limited supply of ungraded, or factory, milk and for "excess" Grade A milk in District 1 by offering premiums over the prevailing prices for such supplies of milk in Districts 2 and 3. Since the total supply of milk (irrespective of the quality factor) for Class II product requirements is insufficient within District 1, plants in Districts 2 and 3 customarily charge the current price at the factory plant for factory milk plus transportation and handling costs when milk is disposed of for Class II milk for uses in District 1. During 1951 the pay price to dairy farmers delivering factory milk to plants within District 1 averaged \$3.94. A similar price was paid for milk deliveries in such district over and above base quantities. This price may be compared with a factory payment level of \$3.74 in the other districts and \$4.42 as the price to the handler in District 1 who purchased factory milk from a District 2 or 3 plant.

Data relative to prices for factory milk in District 1 may be compared also with the minimum price for Class II milk under the order for the first eight months of order operation (June 1951-January 1952). These data disclose that during months when the base plan was in operation handlers purchasing either factory milk or excess milk in District 1 paid a price which averaged 25 cents per hundredweight over the minimum Class II price. Tariff rates for milk hauled between districts by tank truck range from 22 cents to 29 cents per hundredweight and average 25 cents.

Since District 1 is a deficit producing area the cost of transporting producer milk for the necessary market uses and reserves should be reflected in the relative returns to producers in the respective districts. Adoption of a location differential of 25 cents per hundredweight applicable to the principal Class II uses at District 1 plants and to excess milk in such district, in conjunction with the location adjustments for Class I and base milk previously discussed, will accomplish this purpose and also will tend to make more uniform among handlers the prices of milk utilized in Class II products within District 1. During the short season of production the average butterfat tests of milk received from producer and country plant sources to fill Class I requirements in such district exceeds the average test of Class I milk. This results in some "distress" butterfat which has to be churned. Also, there is some maldistribution of supplies between handlers in all seasons. This results in the processing of some butter and nonfat dry milk solids within District 1 from producer milk and the diversion of quantities of such milk from plants in the district to evaporated milk manufacture. Milk is not intentionally moved from Districts 2 or 3 to District 1 for manufacture into such products although some milk moved in this way occasionally is so utilized. As adopted such products of Class II milk in District 1 plants would be exempt from the location adjustment to the extent that producer milk was so used

by the plant after allocating to such products the available amounts of other source milk. By this means no handler providing an outlet for distress milk would be unduly charged in so doing. The costs attendant to plant handling in connection with shipment from District 2 or 3 plants should not be reflected in a location differential for Class II milk since the Class II price formula includes an allowance for plant handling.

As a corollary change the transfer provisions of the order should be modified to remove the necessity of allocating the greatest possible quantity of Class I milk of a handler in District 1 to District 1 sources prior to allocation of any of his Class I milk to sources in other districts as a method of preventing a handler from avoiding the cost of moving milk for Class II uses and consequently decreasing returns to producers for Grade A milk. This required also a proration of shipments among plants for classification purposes when more than one supplying plant in an outlying district was involved. Such provisions would not be necessary following adoption of the location adjustment for Class II milk discussed above.

(6) The definition of marketing area should be revised. A proposal was made to include within the marketing area Townships 23N and 24N located in that portion of Range 8E which is within King County. The principal communities in these townships are Snoqualmie, Snoqualmie Falls, North Bend, and a portion of Issaquah. A handler operating a plant at Snoqualmie has had difficulty in maintaining status for his plant as a participating plant in the market-wide pool under the delivery requirements placed by the order on plants which are outside the defined marketing area. The plant in question operates, however, primarily as a processing and distributing plant for fluid milk. At the time the order was introduced 80 percent of the fluid milk sold from this plant was disposed of outside the marketing area. Now 50 percent or more of its fluid milk is distributed within the boundaries of the marketing area but extra records must be kept by the plant operator to prove qualification for pool status under the "country plant" definition. Inclusion of the townships named will place such plant under the definition of "fluid milk plant" and will permit pool status at all times. Although other handlers covered by the order do not appear to be competing actively with this handler in such communities in the distribution of packaged fluid milk, some are in close competition with him for producer milk supplies. Pool participation for producers supplying the plant at Snoqualmie will assure them a minimum price equivalent to that received by producers supplying other handlers who compete for milk supplies in this segment of the milkshed. It appears that such plant should be included in the pool throughout the year and that expansion of the marketing area is a logical method of accomplishing this. It is concluded that the townships referred to above should be made a part of the marketing area.

A second proposal made with respect to the scope of the marketing area would

remove the town of Vader, Washington, and thus exclude from regulation any person distributing milk in such community who does not distribute in any other segment of the marketing area. At the present time fluid milk is distributed in Vader from a plant located outside the marketing area at Longview, Washington, and from the plant of a producer-handler located in the vicinity of Vader. The operator of the Longview plant has been required, under order terms, to remit to the producer-settlement fund as a "compensatory payment" the difference between the Class I and Class II prices on a relatively small quantity of milk sold as Class I milk in Vader. Pursuant to order provisions the milk of such plant is not pooled and the dairy farmers involved are not "producers" as defined. Vader is the only community within the marketing area to which fluid milk distribution routes extend from such plant. The producer-handler serving Vader purchases the bulk of his milk supply as Class I milk from a plant covered by the order and produces the balance (about 5 percent) on his farm. None of the major handlers covered by the order competes for Class I milk sales in Vader and the total volume of business done in this locality is small in relation to total Class I sales for the marketing area. The record discloses that dairy farmers supplying the Longview plant have received prices for milk which have been closely aligned with the monthly Class I prices effective under the order.

Although objection to the exclusion of Vader from the defined marketing area was raised by the producer-handler who distributes there, it appears from the record that the latter also competes with the proponent handler for Class I business at points outside the marketing area where the so-called "compensatory payment" is not applicable. It may not be concluded from the testimony offered that undue hardship will be inflicted on the producer-handler by the removal of Vader from the marketing area or that its inclusion is necessary for the maintenance of orderly marketing and a reasonable price level for those producers whose minimum prices will continue to be determined by the order. It is concluded that the town of Vader should be removed from the defined marketing area until experience indicates that its inclusion is essential to the maintenance of reasonable uniformity of cost of milk and equity among handlers and to prevent undue displacement by unregulated milk of producer milk in Class I within the marketing area.

It was proposed also at the hearing that the counties of Kitsap and Mason (which include the city of Bremerton) on the Olympic Peninsula be included within District No. 1 of the marketing area. Proponents testified in support that (a) such counties do not produce enough milk locally to meet requirements and are an integral part of the sales area for the milk of those producers shipping to regulated plants, (b) if the population of the Kitsap-Mason area is to have sufficient milk, it must rely on producers and handlers now covered by the order, (c) some of the sea-

sonal reserve of milk produced on the Olympic Peninsula is utilized in regulated plants at the expense of the pool, (d) stable conditions for producers generally in the Puget Sound area cannot be maintained if conditions in surrounding markets, such as the Kitsap-Mason area, are disorderly and uncontrolled surpluses exist, (e) if a decline in prices should occur under the order, it would be reflected also in such two counties, (f) with stability in Kitsap and Mason Counties depending on the operation of the order, all handlers selling milk in such counties should be placed on the same buying basis, (g) there are no significant differences in the health regulations applicable to milk between the subject counties and the marketing area as currently defined, (h) producers and handlers in such counties should contribute to the maintenance of stable conditions for the entire Puget Sound area and to the cost of administration of the order, (i) local processors of milk in Kitsap and Mason Counties have a competitive advantage over handlers operating out of the present marketing area, resulting in the creation of trade barriers for the benefit of the local cooperative association and other local processors.

Approximately 95 percent of the Grade A milk produced on the Kitsap-Mason Peninsula is marketed by a local producers' association which operates fluid milk distribution facilities in Bremerton. Nearly all milk produced in such counties is utilized locally and none is distributed in fluid form to outlets located within the presently defined marketing area or provides a source of supply for any regulated plant. During most months the local supply is insufficient to meet all the fluid milk requirements of such counties. This deficit may be as high as 60 percent at times. One local handler purchases about 95 percent of his milk supply from a plant covered by the order. The local cooperative association purchases supplemental milk supplies covered by the order from a producer cooperative during some months of the year and in the flush production season disposes of a portion of the seasonal excess of locally produced milk to the same producer group. Monthly prices paid dairy farmers by the local cooperative association have been closely in line with (sometimes greater than) the respective Class I prices for District 1 of the marketing area.

Milk is distributed at wholesale and retail also from four additional local plants and from two plants in Seattle operated by handlers covered by the order. Concerning fluid milk distribution the proponent handler indicated some difficulty in competing with the smaller distributors of fluid milk in the Kitsap-Mason area. No complaint was made relative to competition with the distribution of milk with the local distributing cooperative which controls 95 percent of the local milk production. The magnitude of the competitive problem presented does not indicate an unstable market situation but rather follows a pattern which may be expected at the edge of any area made subject to regulation. Since a milk marketing order is a type of regulation requiring specific

boundaries for the area to be covered, some competition between regulated handlers and others hardly can be avoided at points outside the regulated area. The size of the marketing area is related to the particular problems involved in establishing and maintaining orderly marketing conditions. A regulated handler who distributes outside the regulated area so established incurs voluntarily whatever risks are involved in doing business in competition with persons unregulated. In connection with problems of milk distribution reference is made in the record to the fluctuating purchases of fluid milk by the Navy Yard at Bremerton which buys on contract following bids by interested parties. Proponents however did not complain of competitive disadvantage as to this business. The record discloses also that local milk production is not sufficient for such institutional business and that the only available sources of milk to supply this requirement are plants covered by the order. As a practical matter a local distributor who holds the successful bid for such business must pay order prices for milk needed to cover such sales and does not have price advantage over handlers under regulation.

It was not shown in the record that orderly marketing of milk for Kitsap-Mason dairy farmers is dependent upon regulation of the prices they receive or upon the pooling of their returns for milk with those of producers east of Puget Sound. Similarly, it was not demonstrated that an orderly market for the producers whose milk is already under the order is dependent upon the inclusion of the Kitsap-Mason Peninsula or that such inclusion is necessary to prevent undue hardship on certain regulated handlers. The competitive situation for regulated handlers on the Kitsap-Mason Peninsula does not appear to be substantially different than it was prior to regulation. Kitsap-Mason dairy farmers testified that the maintenance of orderly marketing conditions does not require an order at this time. In view of this and in the absence of compelling reason to extend the marketing area for the purpose of establishing or maintaining orderly marketing conditions either inside or outside the presently defined marketing area, it is concluded that the counties of Kitsap and Mason should not be included in the marketing area.

A proposal to include all the townships of Range 8 E in Whatcom, Skagit, Snohomish, and King Counties, submitted during the course of oral testimony, is denied. Such proposal was not within the scope of the notice of hearing issued and interested parties did not have adequate notice of the proposal.

(7) The provisions under which milk is classified should be revised.

Certain proposals were offered which would (a) reclassify eggnog and yoghurt from Class I milk to Class II milk, (b) specify as Class I milk any milk product required by State law or local ordinance or regulation to be made from Grade A (producer) milk, (c) revise the method of computing the volume of milk disposed of in cottage cheese, and (d) modify the method of computing quantities of milk lost by shrinkage.

The record indicates it is not a requirement of the applicable health authorities that the products eggnog and yoghurt be made from milk of Grade A quality. Producer milk is not needed to supply the demand for these products and therefore milk so utilized should not carry the Class I price. It is concluded that such products should be reclassified to Class II milk.

The proposal which would place automatically in Class I all products required to be made of locally approved milk should not be adopted. While the requirement that a dairy product be made of locally approved milk is an important consideration in determining the classification of milk to make that product, it is not, however, the sole determinant of classification. Consequently, when a product appears which is required to be made of approved milk, consideration should be given in an amendment proceeding to all of the facts which must be taken into account in establishing an appropriate classification for the milk used to make such products. Moreover, there was no showing that the provision as suggested could be applied in all contingencies. For instance, it was not shown how the provision would be interpreted in a situation where some but not all of the political subdivisions in the marketing area required that a particular product be made from approved milk or how it would be applied if all of the political subdivisions changed their requirements with respect to products required to be made from approved milk at some time other than the beginning of a delivery period. The determination of whether a particular product is "required at any time under the applicable health regulations to be derived from producer milk" might be a technical, legal question which only a court of competent jurisdiction could determine after appropriate proceedings. Certainly situations could arise where making the determinations required by the proposal would place a responsibility upon the market administrator which would be beyond his competency to discharge.

The present definition of Class II milk provides for the accounting of milk sold as cottage cheese on the basis of the finished product converted to its milk equivalent by means of a "conversion factor." In view of the variations within the market concerning the moisture content and butterfat tests of cottage cheese made resulting in a wide range of product yields, it is concluded that use of a standard conversion factor in converting cottage cheese to its milk equivalent for pricing purposes may create inequities and may produce milk "overages" where no actual overages exist. Because of this, it is provided in the attached amendment that the volume of milk "used to produce" the cheese should be the basis for determining the volume of Class II milk disposed of in this product pending additional market experience.

Under a proposal of handlers concerning the amount of shrinkage to be priced as Class II milk, actual shrinkage up to 2 percent of the total weight of producer milk receipts would be allowed in such

class. Proponents reviewed generally for the record the shrinkage provisions of orders regulating the handling of milk in other market areas several of which provide shrinkage allowances in lower-priced classes established as a percentage of the total milk receipts covered by such orders, respectively. It was contended that a shrinkage allowance so computed would result in greater equity among handlers since it is not possible to determine accurately, except where detailed departmental records of a plant are available, how much of the plant's shrinkage results from Class I operations and how much occurs because of Class II operations. Producers raised no objection to a change in the method of computing allowed shrinkage at the Class II price provided such change would not reduce producer returns appreciably.

Total shrinkage of handlers, including that allocated to Class I milk, has averaged approximately 1.4 percent of total producer milk receipts since June 1, 1951, the effective date of the shrinkage provisions. Undoubtedly, in many instances the shrinkage allowed in Class II operations cannot be traced specifically to the processing of Class II milk products in the handler's plant since the skim milk or butterfat utilized as Class II milk will result from a process of separation or standardization of milk which involves Class I milk operations also. The latter is evidenced on a market-wide basis by the tests of the classes of milk in relation to the average test of incoming milk from producers. As to individual plants, it may reasonably be expected that rather wide variations from the market averages prevail. In view of the above, the amount of shrinkage allowed in Class II milk should be computed as a percentage of producer milk receipts in the handler's plant(s). From experience gained under the order, as disclosed by the record, it is concluded that actual shrinkage up to 1.5 percent of producer milk received and processed in the handler's fluid milk plant(s) and country plant(s) should be allowed in Class II milk.

(8) Milk of a handler's own production should not be made exempt from the classification and pricing provisions of the order.

A proposal was submitted which would, if adopted, exempt milk of a handler's own farm production from the classification and pricing provisions of the order. The proponent, a handler who both produces milk and purchases milk from other producers, testified that his own production is priced under the market pool as producer milk under the uniform price provision while a distributor who comes under the definition of producer-handler is exempt from the pool as to his own farm production even though he may purchase additional milk from a fluid milk plant or country plant. It was contended that this situation results in price discrimination in favor of the producer-handler. Proponent testified also that he makes an effort to maintain even production and therefore should not be obliged to share in the general pool along with other producers and be credited with the uniform price as to his own production. No contention was

made by proponent that he should not have to pay other producers from whom milk is purchased at least the minimum uniform price.

The producer-handler who handles only milk of his own production maintains control of his milk until ultimate disposition and in this respect his situation is entirely different from the regular producer whose milk is marketed by another person (handler). For this reason and because the administrative burden would be increased without assisting in a substantial measure to stabilize the market for other producers, those persons who are producer-handlers in fact have been made exempt from regulation other than for certain reporting requirements. The expansion of activity by a producer-handler through the purchase of milk from other individual producers places him in direct competition purchasewise with other handlers for milk supplies and the person from whom milk is purchased are placed in the same category as other producers. Moreover, the act of handling milk purchased from other producers and milk of his own production in the same plant creates classification and auditing problems similar to those of any regulated plant. The proponent handler operates a relatively small plant but distinction between his operation and those of other handlers may not be made merely on the basis of size if equitable treatment is to be accorded all handlers. Exemption on the basis requested could result in serious inequities among handlers and weaken the classified basis of pricing milk in the market. As stated above, proponent points to the fact that a producer-handler who purchases extra supplies from a plant is exempt with respect to his own production. Any milk so purchased is Class I milk under the milk transfer provisions of the order. The alternative of purchasing milk from a plant in similar manner is open to proponent and if used as a source of milk in lieu of purchases from producers, would assure exemption for milk of his own farm production. Proponent's contention that he maintains relatively even production throughout the year does not afford sufficient reason for the exemption. The order, through the "base and excess" plan of payment to individual producers, provides proportionately greater returns to those producers who maintain even production. Such producers do not share in carrying the seasonal reserves of milk to the same extent as producers who produce greater quantities in the spring and summer than during the fall and winter. It is concluded that the request for exemption of a handler's own farm production should be denied.

A suggestion was made also during the course of the hearing that producer-handlers should be brought under the classification and pricing provisions with respect to all milk handled. It is concluded that this proposal should be denied for the reasons given above and those stated in the decision issued April 5, 1951 on the original promulgation of the order. Official notice is taken of such decision.

At the time the order was first promulgated it was provided that milk sold to plants outside the marketing area but within the counties of Kitsap and Mason from which milk is distributed for consumption as fluid milk would be classified on the basis of its verified use in the transferee plant after allocating such transferred milk to Class I milk products. If verification were not permitted, such milk became Class I in its entirety. The record does not disclose a basis for continuing such provision which treats plant operators, including persons who are primarily producer-handlers, whose business is outside the marketing area at some price advantage as compared with producer-handlers inside the marketing area who rely on plants of handlers for supplemental supplies. It is concluded that such transfer provision should be modified to provide that milk transferred to nonpool plants distributing milk in fluid form outside the marketing area be classified as Class I milk with respect to the entire volume transferred.

(9) The provisions relating to butterfat differentials should be revised; the butter quotations employed in connection with the Class II price formula should not be changed.

Various proposals offered to revise the butterfat differential provisions would (a) substitute a monthly average of Seattle and San Francisco butter quotations combined, or the Chicago quotation plus 2 cents, for the monthly average of San Francisco quotations which is now used in computing the Class II price and butterfat differentials, (b) reduce from 1.3 to 1.25 the percentage factor employed in computing the butterfat differential applicable to base milk and Class I milk, (c) compute both handler and producer butterfat differentials on quotations of the same month, (d) revise the method of computing the butterfat differential for base milk, and (e) revise the wording of such provisions for clarification.

Handlers proposed the use of an average of Seattle and San Francisco butter quotations in lieu of San Francisco quotations alone. It was testified that the latter quotations are not truly representative of the value of butterfat and are subject to wider fluctuations than Seattle quotations because the San Francisco market imports substantial amounts of butter from distant sources. As a preferred alternative, however, the average price per pound of 92 score Chicago butter for the month plus 2 cents was suggested by proponents during the course of testimony.

The record indicates that the Seattle butter market is a minor market for trading and would not provide a reliable basis for determining butterfat values. Record data concerning the relationship between Chicago and San Francisco quotations indicates wide variations in prices between such two major markets from month to month, and even in the yearly averages. For example, in 1951 the widest monthly disparity in 92 score butter prices between the markets was 5.1 cents per pound and the smallest was 1.9 cents. Yearly averages for 1949, 1950, and 1951 were 2.6, 1.9, and 3.5 cents per pound, respectively. In no month of

such three year period was the difference exactly 2 cents per pound. From the data presented it is concluded that the price deviations of the San Francisco quotations from those of Chicago make undesirable a switch to the Chicago quotations. Although the contention was made that the San Francisco quotations are not representative of the value of butterfat, no effort was made to demonstrate this point by the introduction of statistical or other material evidence. Therefore, it is concluded the San Francisco quotations should continue to be used under the order.

Proposals were made by producers to reduce the percentage factor by which the butter quotations are multiplied in the formula for determining butterfat prices for Class I milk and base milk, to use butter price data for the same month in the case of both base milk and Class I milk formulas, and to establish the butterfat differential for base milk as a "blend" of the butterfat differentials for Class I milk and Class II milk in any month when the volume of base milk exceeds the total Class I milk in the market. The record indicates that the percentage factor "1.3" tends to allocate to the butterfat component too great a proportion of any changes which may occur in the Class I price. Also, somewhat less encouragement to the production of butterfat in producer milk is appropriate since the test of incoming milk currently exceeds the average test of Class I milk, resulting in an excess of butterfat for disposition at a lower price. A reduction in the percentage factor to "1.25" should be made as suggested. In view of the base and excess of plan of payment to producers, a proportionate "blending" of the butterfat differentials for Class I and Class II milk should be made in connection with producer payments when base quantities include some Class II usage. This change will provide for a more equitable distribution of returns among producers. Handlers' obligations will not be changed by such a provision. The use of data for the same month in connection with both Class I and base milk butterfat differentials will tend to clarify the application of butterfat differentials without changing the average level of such differentials over a period of time. It is concluded that such proposal should be adopted.

(10) Certain revisions of order language should be made to (a) clarify the application of the classification and pricing provisions to Grade A milk disposed of by commingling with factory milk and to improve the basis for auditing milk receipts and utilization, and (b) to clarify the meaning of the term "plant" in relation to "farm tank" milk.

Few plants in the milkshed which handle factory milk as well as Grade A milk are so arranged that the two types of operations are physically separate. Most of such plants are actually small operating units with some facilities for receiving Grade A milk separately but frequently having common facilities for the further handling of milk of either type. The two types of milk are often commingled in manufacturing operations. Because such plants are, from a practical standpoint, single operating

units there is little or no basis for clear cut product accounting with respect to Grade A milk utilization as compared with the use of manufacturing milk. Prior to the order it was sufficient for handlers to assume that all Grade A milk not specifically accounted for had been transferred to the manufacturing side of the plant and to consolidate the records of both types of milk. Under a strict system of classification the results are a distortion of the amount of shrinkage, or overage, which exists in the plant, a consequent loss of money to the pool, and an audit which does not test the reasonableness of the reported transfer of Grade A milk to the manufacturing operation. It is concluded that the order should provide clearly for the audit of manufacturing operations when Grade A milk is included, that the audit findings there made should be consolidated with Grade A milk operations to determine shrinkage, or overage, for the handler's entire operation, and that the over-all figures be used as the basis for prorating such shrinkage or overage. This requires the rewording of certain definitions as well as changes in other applicable provisions of the order.

The hearing developed considerable discussion of "farm tank" hauling by which milk is picked up at the farm by small tank trucks and then is transferred to a larger tank truck for delivery to a plant. Under this system, which has shown some growth in the supply area, the milk of the individual producers loses its identity by commingling with other milk at the time it is placed in the farm tank truck. A proposal was made to consider a building used primarily as a shelter during the transfer of milk from a farm tank truck to a larger tank truck for additional hauling as a plant for the purpose of applying prices and location adjustments to the milk involved.

It is concluded that a building or shelter of this kind should not be regarded as a plant. No records of utilization of the subject milk are available at such location. When transferred from one truck to another the milk is still in transit to a plant where it will ultimately be processed. It is only at a plant, or plants, where use is made of the milk that records of utilization are available and that audits of such are possible. To consider the truck shelter as a plant would merely introduce a third party into matters between the market administrator and handlers involving financial responsibility that would not assist, and might even interfere in attainment of the main objectives of the order. Such milk should be considered as "received" by the handler when it reaches a plant where milk actually is processed.

Although the record does not indicate such a situation at present, it could develop that milk would be tanked from such a shelter to more than one processing plant. In order to provide a specific and clear basis for the accounting and payment for milk so handled, it is concluded that the order should provide for the first plant to receive any portion of the particular load to be responsible for the entire load and that subsequent deliveries from such load be considered as

interplant transfers. Appropriate language is included to cover the above.

Rulings on briefs. Briefs were filed on behalf of a substantial number of producers and handlers who would be subject to the proposed marketing agreement and to the order, as amended, and as hereby proposed to be further amended. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this recommended decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order, as amended. The order, as amended, and as proposed below to be further amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. A revised marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as proposed to be amended as follows:

DEFINITIONS

§ 925.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 925.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to

perform the duties of the said Secretary of Agriculture.

§ 925.3 *Department*. "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 925.4 *Person*. "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 925.5 *Cooperative association*. "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any state, which includes members who are producers as defined in § 925.12 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 925.6 *Puget Sound, Washington, Marketing Area*. "Puget Sound, Washington, Marketing Area" (hereinafter called the "marketing area") means all territory lying west of range 8E in Whatcom, Skagit, Snohomish, and King Counties; all territory lying within townships 23N and 24N within range 8E in King County; all territory lying west of range 8E and north of township 18N in Pierce County, except Fox, McNeil, and Anderson Islands and the peninsulas on which Lake Bay and Gig Harbor are located northward to the Kitsap County line; all territory lying within Thurston County; all territory, except the town of Vader, lying west of range 5E in Lewis County; all territory lying east of range 10W and north of township 12N in Pacific County; and all territory lying south of township 19N in Grays Harbor County; all in the State of Washington. As used in this section, "territory" shall include all municipal corporations, Federal military reservations, facilities and installations, and state institutions lying wholly or partly within the above-described area: "District No. 1" of the marketing area shall include that part of the marketing area lying within the counties of King, Pierce, Snohomish, Thurston, and Grays Harbor. "District No. 2" of the marketing area shall include that part of the marketing area lying within the counties of Skagit and Whatcom, and "District No. 3" of the marketing area shall include that part of the marketing area lying within the counties of Lewis and Pacific.

§ 925.7 *Plant*. "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling and processing of milk or milk products: *Provided*, That this definition shall not be deemed to include any building or

other structure used primarily for the transfer of milk from a truck (including a "farm tank" truck) to another truck for additional hauling.

§ 925.8 *Fluid milk plant*. "Fluid milk plant" means any plant, other than the plant of a producer-handler, located in the marketing area which is approved by any health authority having jurisdiction in the marketing area as a plant from which milk may be distributed for consumption as fluid milk in the marketing area, and from which during the month Class I milk pursuant to § 925.41 (a) (1) is disposed of (including sales at such plant, plant store or eating place) within the marketing area: *Provided*, That this definition shall be deemed to include, for the purposes of §§ 925.30 through 925.34 and §§ 925.40 through 925.45 only, any facilities operated on the same premises for the receiving and processing of milk or milk products not having the health authority approval referred to in this section even though such facilities are operated by a person other than the operator of the fluid milk plant, and any such milk or milk products shall be deemed to be other source milk.

§ 925.9 *Country plant*. "Country plant" means any plant, other than a fluid milk plant or the plant of a producer-handler, which is approved by any health authority having jurisdiction within the marketing area for the receiving of milk qualified for consumption as fluid milk within the marketing area: *Provided*, That any such plant located outside of the marketing area other than the plant of Kristoferson Dairy, Inc., at Sequim and the plant of the Dungeness-Sequim Cooperative Creameries at Dungeness shall not be a country plant if the percentage of either butterfat or skim milk in milk so qualified which is received at the plant from dairy farmers and moved in fluid form as milk to a fluid milk plant, or disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) (1), is less than:

(a) 50 percent in the current month during the period October through December; or

(b) 20 percent in the current month during the period January through September, except that if the percentage was more than 50 percent for the entire period of October through December immediately preceding no percentage shall be required for such months of January through September:

And provided further, That any plant which otherwise meets the requirements of this section may withdraw from country plant status for any month in the January-September period if the operator of the plant files with the market administrator, prior to the first day of such month, a written request for such withdrawal.

§ 925.10 *Nonpool plant*. "Nonpool plant" means any plant other than a fluid milk plant or a country plant.

§ 925.11 *Dairy farmer*. "Dairy farmer" means any person who is engaged in the production of milk.

§ 925.12 *Producer*. "Producer" means any dairy farmer, other than a producer handler, who produces milk of dairy cows under a dairy farm permit or rating issued by an appropriate health authority having jurisdiction in the marketing area, for the production of milk qualified for disposition in fluid form to consumers as Grade A milk within the marketing area.

§ 925.13 *Producer milk*. "Producer milk" or "milk received from producers" means milk qualified as described in § 925.12 and either received directly from a farm at a fluid plant or country plant or caused to be diverted by a handler for his account from such a plant to a nonpool plant: *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted. For the purposes of this order any milk moved from a producer's farm in a "farm tank" pick-up truck shall be deemed to be received by the handler at the plant where any portion thereof is first unloaded from such truck (or from another truck to which it may have been transferred in transit): *Provided*, That if such milk is commingled with the milk of any other producer(s) prior to delivery to a plant, the operator of the plant at which any portion of such load is first received shall be the receiving handler for the total volume of milk contained in such load; and if any portion of such delivery is moved to another plant without being unloaded from such truck it shall be considered to be an interplant transfer to be classified pursuant to § 925.44.

§ 925.14 *Other source milk*. "Other source milk" means (a) all skim milk and butterfat received from a producer-handler (or the plant of a producer-handler) in any form (including bottled products), and (b) all other skim milk and butterfat other than in (i) producer milk, and (ii) milk and milk products received from fluid milk plants and country plants.

§ 925.15 *Handler*. "Handler" means:

(a) Any person engaged in the handling of milk in his capacity as the operator of a fluid milk plant, a country plant or any other plant from which milk in any of the forms specified in § 925.41 (a) is disposed of to any place or establishment within the marketing area other than a plant: *Provided*, That this paragraph shall not be deemed to include any such person with respect to any of the items specified in § 925.41 (a) disposed of to military or other ocean transport vessels leaving the marketing area; if the items so disposed of originated at a plant located outside the marketing area and were not received or processed at any fluid milk plant or country plant; and

(b) Any cooperative association, which is not a handler pursuant to paragraph (a) of this section, with respect to producer milk caused to be diverted for the account of such cooperative association from a fluid milk plant or a country plant to a nonpool plant.

§ 925.16 *Producer-handler*. "Producer-handler" means any person who is both a dairy farmer and a handler,

and who processes milk from his own farm production and distributes all or a portion of such milk within the marketing area as Class I milk, but who received no milk from producers: *Provided*, That (a) the maintenance, care and management of the dairy animals and other resources necessary to produce milk is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 925.17 *Base*. "Base" means a quantity of milk, expressed in pounds per day, computed pursuant to § 925.60.

§ 925.18 *Base milk*. "Base milk" means (a) milk delivered by a producer during the month in the period February through August, inclusive, of each year which is not in excess of his base multiplied by the number of days of delivery in such month: *Provided*, That with respect to any producer on "every-other-day" delivery to a fluid milk plant or country plant the days of nondelivery intervening days of delivery shall be considered as days of delivery for the purposes of this paragraph; and (b) all milk delivered by a producer in each of the months of September, October, November, December, and January.

§ 925.19 *Excess milk*. "Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 925.20 *Designation*. The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of the Secretary.

§ 925.21 *Powers*. The market administrator shall have the following powers with respect to this subpart:

- (a) To administer its terms and provisions;
- (b) To receive, investigate, and report to the Secretary complaints of violations;
- (c) To make rules and regulations to effectuate its terms and provisions; and
- (d) To recommend amendments to the Secretary.

§ 925.22 *Duties*. The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

- (a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;
- (b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;
- (c) Obtain a bond in a reasonable amount and with reasonable surety

thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 925.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 925.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 925.30 to 925.32, inclusive; or

(2) Made one or more of the payments pursuant to §§ 925.80 to 925.88, inclusive.

(i) On or before the 13th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk caused to be delivered by such cooperative association directly from farms of producers who are members of such cooperative association to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by such a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 13th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 925.70 (a) of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 925.70 (a) (5);

(iii) The uniform prices for base milk and excess milk;

(iv) The totals of the amounts computed in the manner provided by § 925.80 (a);

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 925.87 and 925.88.

(2) Each handler whose total value of milk is computed pursuant to § 925.70

(b) of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum price for Class I milk pursuant to § 925.51 (a) and the Class I butterfat differential pursuant to § 925.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 925.51 (b) and the Class II butterfat differential pursuant to § 925.52 (b), both for the preceding month; and

(2) On or before the 13th day of each month, the uniform price computed pursuant to § 925.71 and the butterfat differential computed pursuant to § 925.82, both applicable to producer milk received during the preceding month; and

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 925.30 *Monthly reports of receipts and utilization*. On or before the 8th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 925.15 (a), except a producer-handler, shall report for the preceding month to the market administrator with respect to milk and milk products received at each of such handler's fluid milk plants and country plants, and at each of his plants where milk or milk products subject to payments required under § 925.70 (b) were handled, and each cooperative association which is a handler pursuant to § 925.15 (b) shall report with respect to milk diverted on its account during the preceding month, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in milk and milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk received (except Class II milk products disposed of in the form in which received without further processing by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including the pounds of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products;

(e) The aggregate quantities of base milk and excess milk received; and

(f) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 925.31 *Payroll reports*. On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of but-

terfat contained in such milk, and the number of days on which milk was delivered by such producer in such month;

(b) The amount of payments to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 925.32 *Other reports.* At such times and in such manner as the market administrator may prescribe:

(a) Each handler shall report to the market administrator such information in addition to that required under § 925.30 as may be requested by the market administrator with respect to milk and milk products handled by him;

(b) Each producer-handler shall report to the market administrator relative to his receipts and utilization of milk and milk products.

§ 925.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to the information required to be reported pursuant to §§ 925.30, 925.31, and 925.32 and to payments required to be made pursuant to §§ 925.80 through 925.88.

§ 925.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 925.35 *Handler report to producers.* On or before the 19th day of each month each handler shall furnish each producer from whom milk was received, a monthly statement containing at least the following information: (a) The amount of milk received from such producer each day during the preceding month, (b) the base and excess prices used in computing the producer's value of milk for such preceding month, (c) an itemized list of all deductions made by the handler from such prices, and (d) any premiums or payments above the minimum prices provided by the order for such preceding month.

No. 144—5

CLASSIFICATION

§ 925.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 925.30 shall be classified by the market administrator pursuant to the provisions of §§ 925.41 to 925.45, inclusive.

§ 925.41 *Classes of utilization.* Subject to the conditions set forth in §§ 925.42, 925.43 and 925.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in fluid form as milk (including milk frozen), skim milk, skim milk drinks, buttermilk flavored milk, flavored milk drink and cream (sweet or sour), except any item named in this subparagraph disposed of pursuant to paragraph (b) (3) of this section, (2) disposed of as any fluid mixture containing cream and milk or skim milk (but not including ice cream or other frozen dessert mixes disposed of to a commercial processor, any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, evaporated or condensed products), (3) contained in monthly inventory variations, and (4) not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat (1) disposed of as (or used to produce, in the case of ice cream and frozen desserts and mixes for such products (liquid or powder), cottage cheese and aerated cream products) any product other than those included under paragraph (a) (1) and (2) of this section, (2) disposed of for livestock feed, (3) disposed of in bulk in any of the forms specified in paragraph (a) (1) of this section to bakeries, soup companies and candy manufacturing establishments in their capacity as such and to nonpool plants subject to the conditions of § 925.44 (c) (2), (4) in actual shrinkage of producer milk computed pursuant to § 925.42 but not in excess of 1.5 percent of the quantity of skim and butterfat, respectively, in producer milk, and (5) in actual shrinkage of other source milk computed pursuant to § 925.42.

§ 925.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, between the pounds of producer milk and other source milk after deducting receipts from other handlers: *Provided*, That with respect to any fluid milk plant where no producer milk has been received during the month, all shrinkage shall be allocated for such month to the other source milk in such plant.

§ 925.43 *Responsibility of handlers and reclassification of milk.* (a) All

skim milk and butterfat shall be Class I milk unless the handler who first receives such milk or butterfat proves that such skim milk and butterfat should be classified as Class II milk.

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 925.30.

(c) Except as provided in § 925.44 (a) (3) and (c) (1), any skim milk or butterfat classified in one class shall be reclassified if used or reused by any handler in another class.

§ 925.44 *Transfers.* Skim milk and butterfat moved in any of the forms specified in § 925.41 (a) (1) from one plant to another shall be assigned (separately) to each class in the following manner:

(a) From country plants to fluid milk plants and between fluid milk plants:

(1) As Class I milk to the extent Class I milk is available at the transferee plant if the transfer is (i) from a country plant or fluid milk plant located in District No. 1 to any fluid milk plant, (ii) from a country plant not located in District No. 1 to a fluid milk plant located in District No. 2 or District No. 3, or (iii) between fluid milk plants not located in District No. 1.

(2) As Class I milk to the extent Class I milk is available at the transferee plant if the transfer is from a country plant or fluid milk plant not located in District No. 1 to a fluid milk plant located in District No. 1.

(3) As Class I milk if the transfer is to the plant of a producer-handler.

(b) From a fluid milk plant or country plant to a country plant: As Class II milk: *Provided*, That (1) the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction, pursuant to § 925.45 (b) (2), of other source milk at such plant, and (2) any additional amounts of such skim milk or butterfat shall be assigned to Class I milk.

(c) From a country plant or fluid milk plant to a nonpool plant:

(1) As Class I milk if the transfer is to a nonpool plant not located in the marketing area.

(2) As Class II milk if the transfer is to a nonpool plant located in the marketing area or within any of the counties of Clallam, Jefferson, Grays Harbor, K'tsop, Island, or Mason in the State of Washington which is not engaged in the distribution of milk for consumption as fluid milk: *Provided*, That if such plant disposes of skim milk or butterfat in any of the forms specified in § 925.41 (a) (1) to any other nonpool plant distributing milk in fluid form which is not located in the marketing area or in the counties specified, such disposition up to the quantity of producer milk transferred to the first nonpool plant shall be classified as Class I milk.

§ 925.45 *Computation of the quantity of producer milk in each class.* For each handler the market administrator shall:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute

the total pounds of skim milk and butterfat in each class;

(b) Allocate skim milk in the following manner;

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk shrinkage allowed pursuant to § 925.41 (b) (4);

(2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk received; *Provided*, That if the receipts of skim milk in other source milk are greater than the pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other fluid milk plants and country plants and assigned to such class pursuant to § 925.44;

(4) Add to the remaining pounds of Class II milk, the amount subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class beginning with Class II milk.

(c) Allocate butterfat in accordance with the procedure prescribed for skim milk in paragraph (b) of this section.

(d) Add together for each class the quantities of skim milk and butterfat in such class computed pursuant to paragraphs (b) and (c) of this section and compute the weighted average butterfat content of such class.

MINIMUM PRICES

§ 925.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in computing the price per hundredweight of Class I milk for the current month shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section for the preceding month.

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department;

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, by 6;

(2) Add 2.4 times the simple average, as published by the Department, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide by 7;

(4) Add 30 percent thereof; and

(5) Multiply by 4.

(c) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month; *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 925.51 *Class Prices.* Subject to the differentials provided in § 925.52 the following are the minimum prices per hundredweight to handlers for Class I milk and Class II milk:

(a) *Class I Milk.* The price for Class I milk shall be the basic formula price plus \$1.65; *Provided*, That the price for Class I milk for the months of April through June, inclusive, of any year shall not be higher than the price computed pursuant to the above provisions of this paragraph for the month of March immediately preceding, and the price for Class I milk for any October through January period, inclusive, shall not be lower than the price computed pursuant to the above provisions of this paragraph for the month of September immediately preceding.

(b) *Class II Milk.* The price for Class II milk shall be that computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at San Francisco, as reported by the Department during the month; *Provided*, That, if no price is reported for Grade AA (93-score)

butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents.

§ 925.52 *Butterfat differentials to handlers.* If the average butterfat content of Class I milk or Class II milk, computed pursuant to § 925.45, for any handler for any month differs from 4.0 percent, there shall be added to, or subtracted from, the applicable class price (§ 925.51) for each one-tenth of 1 percent that the average butterfat content of such class is respectively above, or below, 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk:* Multiply by 1.25 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco, as reported by the Department during the preceding month, divide the result by 10, and round to the nearest tenth of a cent.

(b) *Class II milk:* Multiply by 1.15 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco, as reported by the Department during the month, divide the result by 10, and round to the nearest tenth of a cent.

§ 925.53 *Location adjustment to handlers on Class I milk.* In computing the value of each handler's milk there shall be credited with respect to skim milk and butterfat, respectively, in producer milk received at a plant not located in District No. 1 or in the counties of Kitsap and Mason and classified as Class I milk, 40 cents per hundredweight; *Provided*, That an additional 10 cents shall be credited with respect to skim milk and butterfat so received and classified at any plant located in Clallam or Jefferson Counties.

§ 925.54 *Location adjustment to handlers on Class II milk.* In computing the value of each handler's milk there shall be added, with respect to skim milk and butterfat, respectively, in producer milk received at a plant located in District No. 1 or in the counties of Kitsap and Mason and classified as Class II milk, 25 cents per hundredweight; *Provided*, That this adjustment shall not be made with respect to skim milk and butterfat in producer milk used in the manufacture of evaporated milk in hermetically sealed cans, butter, nonfat dry milk solids, powdered whole milk, or cheddar cheese, but for the purposes of this proviso the amount of butterfat and skim milk con-

tained in producer milk that may be accounted for as used to manufacture nonfat dry milk solids, powdered whole milk, cheddar cheese, butter and evaporated milk in hermetically sealed cans in a District No. 1 plant shall be limited to any amount remaining after the subtraction of skim milk and butterfat contained in other source milk from the total amount of skim milk and butterfat used to produce such specified milk products.

§ 925.60 Computation of daily base. Subject to the rules set forth in § 925.61, the market administrator shall determine daily bases for producers in the manner provided in paragraphs (a) and (b) of this section:

(a) During each of the months of February through August, inclusive, of each year beginning with 1954 the daily base of each producer whose milk was received by a handler(s) on not less than 90 days during the immediately preceding months of September through December, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in such four-month period by the number of days from the date of first delivery to the end of such four-month period: *Provided*, That with respect to any producer on "every-other-day" delivery the days of non-delivery intervening days of delivery shall be considered as days of delivery for the purpose of ascertaining whether delivery was made on 90 days or more pursuant to this paragraph.

(b) Any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section, shall have, beginning with February 1953, a monthly base in the months of February through August, inclusive, computed by applying the appropriate monthly percentage in the following table to his deliveries to a handler(s):

February	70	June	50
March	65	July	55
April	55	August	65
May	45		

§ 925.61 Base rules. The following rules shall be observed in determination of bases:

(a) A base may be transferred during the period of February through August, inclusive, upon written notice to the market administrator on or before the last day of the month of transfer, but only under the following circumstances:

(1) Upon the death, retirement or entry into military service of a producer, the entire base may be transferred to a member (or members) of his immediate family who continues to supply producer milk from the same farm.

(2) If a base is held jointly and such joint holding is terminated the entire base may be transferred as a unit to one of the joint holders or to another producer.

(b) A producer who ceases deliveries to a fluid milk plant or country plant for more than 45 days shall lose his base if computed pursuant to § 925.60 (a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 925.60 (b) until he can establish a new base under § 925.60 (a) to begin the next February 1.

(c) By notifying the market administrator prior to the 15th day of any month in the period February through August, inclusive, a producer holding a base established pursuant to § 925.60 (a) may relinquish such base by cancellation, and effective from the first day of the month in which notice is received by the market administrator until the end of such seven-month period such producer's base shall be computed in the manner provided by § 925.60 (b).

(d) As soon as bases computed by the market administrator are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list or lists showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in § 925.12 may establish or earn a base pursuant to the provisions of § 925.60, and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment used are jointly owned or operated.

DETERMINATION OF UNIFORM PRICE

§ 925.70 Computation of value of milk. (a) Except as provided in paragraph (b) of this section, the total value of milk received during any month by each handler including a cooperative association, shall be a sum of money computed by the market administrator as follows:

(1) Multiply the pounds of producer milk in each class for such month by the class price (§ 925.51) and add together the resulting amounts;

(2) Deduct the total amount of all location adjustment credits computed in accordance with § 925.53;

(3) Add the total amount of all location adjustments computed pursuant to § 925.54;

(4) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made;

(5) Add, if such handler had overage, an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 925.45 by the applicable class price: *Provided*, That if overage results in a fluid milk plant or country plant having receipts of other source milk, such overage shall be prorated between producer milk and other source milk and such applicable class price shall be charged only with respect to the quantity prorated to producer milk; and

(6) Add, with respect to other source milk received at each fluid milk plant and country plant of such handler in

excess of the total volume of his Class II milk (except allowable shrinkage) at such plant an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and in the case of a fluid milk plant or country plant not located in District No. 1 or in the counties of Kitsap or Mason, reduced by 40 cents per hundredweight: *Provided*, That with respect to skim milk and butterfat so received and classified at any plant located in Clallam and Jefferson Counties, there shall be a further reduction of 10 cents per hundredweight.

(b) The value of milk of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of within the marketing area as Class I milk pursuant to § 925.41

(a) (1) shall be a sum of money computed by the market administrator by multiplying the hundredweight of such other source milk so disposed of by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and, in the event disposition within the marketing area was only within Districts Nos. 2 and 3, reduced by 40 cents per hundredweight.

§ 925.71 Computation of uniform price. For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 925.70 for all handlers who made the reports prescribed in § 925.30 and who made the payments pursuant to § 925.84 for the preceding month;

(b) Add the aggregate of the values of the location adjustments on base milk allowable pursuant to § 925.81 (a);

(c) Deduct the aggregate of the values of the location adjustments on excess milk computed pursuant to § 925.81 (b);

(d) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(e) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 925.82 and multiplying the resulting figure by the total hundredweight of such milk;

(f) Multiply the hundredweight of excess milk by the Class II price for 4.0 percent milk, rounded to the nearest one-tenth cent;

(g) Compute the total value of base milk by subtracting the amount computed pursuant to paragraph (f) of this section from the net amount computed pursuant to paragraph (e) of this sec-

tion: *Provided*, That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 4.0 percent milk) plus 4 cents such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(h) Divide the net amount obtained in paragraph (g) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; and

(i) Divide the amount obtained in paragraph (f) of this section plus any amount subtracted pursuant to the proviso of paragraph (g) of this section by the hundredweight of excess milk. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

PAYMENTS

§ 925.80 *Time and method of payment to producers and to cooperative associations.* (a) On or before the 19th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer, for milk received at his plant from such producer during such month pursuant to subparagraphs (1) and (2) of this paragraph: *Provided*, That such payment shall be made, upon request, to a cooperative association, or to its duly authorized agent, qualified under § 925.5 with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 17th day after the end of such month: *And provided further*, That if by such date such handler has not received full payment for such month pursuant to § 925.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator:

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the butterfat differential computed pursuant to § 925.82 and by any location adjustment applicable under § 925.81; and

(2) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 925.82 and by any location adjustment applicable under § 925.81.

(b) On or before the 17th day after the end of each month each handler shall pay to each cooperative association which operates a fluid milk plant or

country plant, for skim milk and butterfat received from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 925.41) by the class price adjusted by the amounts of any location adjustments applicable pursuant to §§ 925.53 and 925.54.

(c) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c (5) (F) of the act from making payment for milk to its producers in accordance with such provision of the act.

§ 925.81 *Location adjustments to producers.* In making payments to producers pursuant to § 925.80 (a) (1) the following adjustments for location are applicable:

(a) Deductions may be made per hundredweight of base milk received from producers as follows: 50 cents at plants located in Clallam and Jefferson Counties, and 40 cents at other plants not located in District No. 1 or in the counties of Kitsap and Mason.

(b) 25 cents per hundredweight shall be added for the months of February through August, inclusive, to the uniform price for excess milk received from producers at plants located in District No. 1.

§ 925.82 *Producer butterfat differential.* In making payments pursuant to § 925.80 (a) for base milk and for excess milk, there shall be added to, or subtracted from, the uniform prices thereof for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, a butterfat differential computed by the market administrator as follows: Multiply the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco, as reported by the Department during the month in which the milk was received, by 1.25 in the case of base milk, and by 1.15 in the case of excess milk, and, in each case, divide the resulting amount by 10, and round to the nearest tenth of a cent: *Provided*, That if the total quantity of butterfat in Class I milk is less than the total amount of butterfat in base milk received from producers by all handlers the butterfat differential applicable to base milk for the month shall be computed by multiplying the butterfat differential for Class I milk by the percentage of Class I butterfat represented within such total base milk and by multiplying the remaining percentage of butterfat within base milk by the butterfat differential for Class II milk, and adding together the resulting amounts: *And provided further*, That in the months of September through January, inclusive, the butterfat differential to be used pursuant to this section shall be computed by multiplying the butterfat differential for Class I milk by the percentage of butterfat in producer milk classified in such class and the butterfat differential for Class II milk by the percentage of butterfat in producer milk

classified in such class, and adding together the resulting amounts.

§ 925.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to § 925.84 and out of which he shall make all payments to handlers pursuant to § 925.85.

§ 925.84 *Payments to the producer-settlement fund.* On or before the 15th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is greater than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80 (a).

§ 925.85 *Payments out of the producer-settlement fund.* On or before the 17th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is less than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80 (a), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 925.84, 925.86, 925.87, and 925.88: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 925.86 *Adjustments of accounts.* Whenever verification by the market administrator of reports or payment of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 925.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 925.80 (a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from

producers who are not members of such association.

Such deduction shall be paid by the handler to the market administrator on or before the 15th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling, and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefore to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 925.80 (a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 15th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 925.88 *Expense of administration.* As his pro rata share of the expense of administration of this order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of (a) other source milk classified as Class I milk, and (b) milk received from producers, including such handler's own production.

§ 925.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 925.90 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 925.91.

§ 925.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 925.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 925.93 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other

liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 925.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 925.101 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

§ 925.102 *Producer - handlers.* Sections 925.40 to 925.45, inclusive, 925.50 to 925.54, inclusive, 925.70 to 925.71, inclusive, and 925.80 to 925.89, inclusive, shall not apply to a producer-handler.

Filed at Washington, D. C., this 21st day of July 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-8131; Filed, July 23, 1952; 8:59 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42, 45, 61]

SPECIAL CIVIL AIR REGULATION; EMERGENCY EVACUATION PROVISIONS FOR TRANSPORT TYPE AIRPLANES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a proposed Special Civil Air Regulation in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by August 8, 1952. Copies of such communications will be available after August 12, 1952, for examination by interested persons at the Docket Section

of the Board, Room 5412, Commerce Building, Washington, D. C.

On November 15, 1951, the Board adopted Amendment 4b-4 which provided new emergency evacuation provisions for the certification of transport category airplanes, and which became effective on December 20, 1951. Subsequently, the Board caused a notice of proposed rule making to be published in the FEDERAL REGISTER (16 F. R. 13151) and also circulated Draft Release No. 51-16 indicating its intent to amend the emergency evacuation provisions applicable to the operation of airplanes presently certificated. An amended proposal was subsequently published as a notice of proposed rule making in the FEDERAL REGISTER (17 F. R. 4503) and circulated as Draft Release No. 52-13. Further study as a result of comment on these notices of proposed rule making has indicated that the proposals would not be practicable in application in all cases and that additional changes were necessary.

First of all, there is reason to believe that the substantiation by means of an evacuation demonstration of the number of exits in relation to the number of occupants permitted to be carried does not necessarily result in an appropriate level of safety because of the difficulty in making such demonstrations sufficiently realistic. One of the reasons why the regulations effective prior to the promulgation of Amendment 4b-4 were considered no longer practical was the provision permitting evacuation demonstrations. Furthermore, those regulations were impractical and not sufficiently explicit with respect to airplanes having relatively large occupancy. For example, the increments in the table contained in §4b.362 (b) (1) cannot logically be extended arithmetically with respect to airplanes carrying considerably in excess of 50 passengers.

A reevaluation of the maximum number of occupants in specific airplane types prescribed in Draft Release 52-13 indicated the need for some revisions to be consistent with the latest approvals. Such inconsistencies as do exist with respect to certain of the less conservative values prescribed for maximum occu-

pancy are due mainly to prior approvals. Others are due to comparisons with comparable airplanes taking into consideration the size, number, and location of emergency exits as well as the normal configurations within the passenger compartment. Although some approved occupancies as set forth in the proposed table may seem high in comparison to newer models, the Board does not consider that it is justified in requiring a reduction in occupancy below the numbers previously approved. The Board considers that the number of occupants authorized by this proposal can be evacuated within a safe time with the present improved evacuation methods now being put into practice by the several operators.

It is now proposed that all airplanes of 12,500 pounds or more maximum certificated take-off weight operated while carrying passengers for hire comply with Civil Air Regulation Amendment 4b-4, except that those airplanes listed in the table contained in the proposal may be approved by the Administrator for a maximum number of occupants not to exceed the numbers stated. Allowance to carry such maximum numbers will be based on compliance with the applicable number, size, and arrangement of exits and passenger cabin configuration presently approved by the Administrator of Civil Aeronautics. For example, the Lockheed 049, 649, and 749 are approved for 71 occupants with 4 window exits and 1 door, 76 occupants with 5 window exits and 1 door, and for 87 occupants with 6 window exits and 1 door.

Because this proposed rule contains major substantive changes from the previous proposals, the Board will allow an additional 15 days for public comment before considering the proposal for final adoption.

Accordingly it is proposed to promulgate a Special Civil Air Regulation to read substantially as follows:

Contrary provisions of the Civil Air Regulations notwithstanding, no large airplane (12,500 pounds or more maximum certificated take-off weight) while carrying passengers for hire shall be operated with occupants in excess of the number permitted by applying the pro-

visions of Civil Air Regulation Amendment 4b-4, effective December 20, 1951, except that airplane types listed in the following table may be operated with the maximum number of occupants therein listed when approved by the Administrator. Such approval shall be based on the emergency exit requirements already authorized by him for that airplane type prior to the effective date of this regulation.

Airplane type:	Maximum number of occupants including the crew
B-307	61
B-377	96
C-46	67
CV-240	53
CV-340	53
DC-3	35
DC-3 (Super)	39
DC-4	86
DC-6	87
DC-6B	¹ 96
L-18	17
L-049, L-649, L-749	² 87
L-1049	95
M-202	53
M-404	53

¹ The DC-6A, if converted to a passenger transport configuration, will be governed by the maximum number applicable to the DC-6B.

² 87 occupants permitted with 6 exits and 1 passenger door in the passenger area; only 76 occupants permitted with 5 exits and 1 passenger door in the passenger area; only 71 occupants permitted with 4 exits and 1 passenger door in the passenger area.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012; 49 U. S. C. 551-560; 62 Stat. 1216)

Dated: July 18, 1952, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-8129; Filed, July 23, 1952; 8:59 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[417.45]

DICALCIUM PHOSPHATE

TARIFF CLASSIFICATION

JULY 21, 1952.

The Bureau, by letter to the collector of customs, New York, New York, dated July 21, 1952, ruled that all dicalcium phosphate is classifiable under paragraph 5, Tariff Act of 1930, and dutiable at the modified rate of 12½ percent ad valorem rather than free of duty under paragraph 1685.

In any case in which this ruling will result in the assessment of duty rather than the free entry heretofore accorded under a uniform practice this ruling will be effective as to such or similar merchandise entered for consumption or withdrawn from warehouse for consumption after 30 days after the date of publication of the abstract of this decision in a forthcoming issue of the weekly Treasury Decisions.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 52-8128; Filed, July 23, 1952; 8:58 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

TRANSFER OF JURISDICTION OF INTEREST

JULY 16, 1952.

By virtue of the authority contained in section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), and pursuant to section 2.56 of Delegation Order No. 427, of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Jurisdiction of interest in and to the following described lands located in the

East Addition to Kodiak Townsite, Alaska, U. S. Survey No. 2538B, is hereby transferred to the Office of Territories, Department of the Interior:

Beginning at the Easterlymost corner of the U. S. Military Reserve, designated as MR 8; thence South 55° 17' West, a distance of 460 feet; thence North 34° 43' West, a distance of 460 feet; thence North 55° 17' East, a distance of 460 feet; thence South 34° 43' East, a distance of 460 feet to the point of beginning, containing 4.858 acres, more or less.

Lots 1, 2, 3, 9, to 16 inclusive, Block 38.

Any subsequent conveyance which may be made of the lands to a public body under authority of the Act of August 24, 1949, supra, the instrument of conveyance shall contain a provision reserving a right-of-way for ditches and canals constructed under authority of the United States, and reserving also to the United States (1) all fissionable source materials in the land, together with the right of the United States to enter upon the land and prospect for, mine and remove such materials in accordance with the Act of August 1, 1946 (60 Stat. 755; 43 U. S. C. 1801), (2) all oil and gas and other mineral deposits in the lands together with the rights of the United States, its agents, representatives, leasees or permittees, to prospect for, mine and remove the same under such regulations as the Secretary may prescribe, (3) a right-of-way for the construction of railroads, telegraph and telephone lines in accordance with the act of March 12, 1914 (38 Stat. 305; 48 U. S. C. 305), (4) a right-of-way for roads, highways, tramways, trails, bridges, and appurtenant structures constructed by or under authority of the United States or of any State created out of the Territory of Alaska, in accordance with the act of July 24, 1947 (61 Stat. 418; 48 U. S. C. 321d), and (5) such other reservations, covenants, terms, and conditions as may be deemed proper by the Office of Territories, as well as those which may be required for the protection of the Department of the Interior or any agency thereof.

ABE BARBER,

Acting Regional Administrator.

[F. R. Doc. 52-8068; Filed, July 23, 1952; 8:45 a. m.]

Office of the Secretary

[Order 2509, Amdt. 16]

DELEGATIONS OF AUTHORITY; GENERAL

This amendment supersedes the original text of Order No. 2509 and Amendments 1 to 15, inclusive.

Order No. 2509, as amended, is revised to read as follows:

Sec.

1. Under Secretary, Assistant Secretaries, and Administrative Assistant Secretary.
2. Solicitor as Acting Assistant Secretary.
11. Authentication of documents.
20. Patents.
21. Tort claims.
22. Claims relating to irrigation works.
23. Appeals in land cases.
24. Contract appeals.
25. Appeals in Indian probate proceedings.
26. Escheat of Indian estates.

Sec.

27. Remission of liquidated damages.
28. Acquisition of real estate by condemnation.
50. Contracts; Bureaus.
51. Contracts; Office of the Secretary.
52. Leases.
53. Contracts; Chairman, Field Committees.
60. Correspondence concerning condemnation proceedings.
61. Requests for title opinions.

SECTION 1. Under Secretary, Assistant Secretaries, and Administrative Assistant Secretary. (a) The Under Secretary, the Assistant Secretaries, and the Administrative Assistant Secretary may severally exercise all the authority of the Secretary of the Interior with respect to any matter, including any defense matter concerning electric power, fishery commodities, metals and minerals, or solid fuels, which comes before any of them, except:

- (1) The signing of correspondence addressed to the President;
- (2) The issuance of orders delegating the authority of the Secretary;
- (3) The exercise of powers delegated by the President to the Secretary without any authorization for redelegation;
- (4) The issuance of general regulations; and
- (5) The making of appointments under section 710 of the Defense Production Act of 1950 (50 U. S. C. App., 1946 ed., Supp. IV, sec. 2160).

(b) Notwithstanding the limitation contained in subparagraph (2) of paragraph (a) of this section:

(1) the Under Secretary, an Assistant Secretary, or the Administrative Assistant Secretary may authorize officers or employees of the Department to sign on behalf of the United States contracts the provisions of which have been approved by the Under Secretary, the Assistant Secretary, or the Administrative Assistant Secretary; and

(2) The Administrative Assistant Secretary may, in writing, redelegate or authorize the redelegation of such portions of the authority of the Secretary with respect to matters in the field of administrative management, including matters relating to budget, finance, personnel (except appointments under section 710 of the Defense Production Act of 1950), management research, property management, and administrative services, as the Administrative Assistant Secretary may deem appropriate.

SEC. 2. Solicitor as Acting Assistant Secretary. Whenever an Assistant Secretary of the Interior is absent or a vacancy exists in such a position and the Secretary of the Interior directs the Solicitor of the Department, in accordance with Executive Order No. 9794, to perform the duties of the absent Assistant Secretary or of the vacant position, the Solicitor may, with respect to any matters which come before him, exercise all the authority of the Secretary of the Interior.

SEC. 11. Authentication of documents. The Chief Clerk of the Department is authorized to authenticate copies of books, records, papers, and documents of the Department. This section does not affect the authority of any bureau official to authenticate copies of books, records,

papers, or documents under 43 CFR, Part 2, or under applicable statutes.

SEC. 20. Patents. The Solicitor of the Department of the Interior may exercise all the authority of the Secretary of the Interior with respect to patent policies and procedures, including the adjudication of patent rights in inventions made by personnel of the Department of the Interior and the issuance of licenses for the use of inventions under patents controlled by the Secretary of the Interior.

SEC. 21. Tort claims. (a) The Solicitor of the Department of the Interior may exercise all the authority conferred upon the Secretary of the Interior by 28 U. S. C., secs. 2671-2680.

(b) The Regional Councils of the Bureau of Land Management, of the Bureau of Reclamation, and of the National Park Service, the Area Councils of the Bureau of Indian Affairs, the General Counsel of the Bonneville Power Administration, the Chief Counsel of the Southwestern Power Administration and the Southeastern Power Administration, and the Counsel of The Alaska Railroad are severally authorized to consider, ascertain, adjust, determine, and settle, pursuant to the provisions of 28 U. S. C., sec. 2672, any claim not exceeding \$1,000 against the United States based upon a negligent or wrongful act or omission of an employee of the Department of the Interior, and, without considering its merits, to reject any tort claim which is for an amount in excess of \$1,000.

(c) Any claimant who is dissatisfied with a determination made under paragraph (b) of this section regarding his claim may take an appeal to the Solicitor of the Department of the Interior within 15 days after receiving notice of such determination. Written notice of his desire to take an appeal shall be given by the claimant to the official who made the determination upon his claim, and such official shall thereupon promptly transmit to the Solicitor all documents and other data relating to the claim (28 U. S. C., sec. 2672).

SEC. 22. Claims relating to irrigation works. (a) The Solicitor of the Department of the Interior may exercise all the authority of the Secretary of the Interior in determining whether claims for damages arising out of the survey, construction, operation, or maintenance of irrigation works on Indian irrigation projects shall be allowed in whole or in part or shall be disallowed.

(b) Subject to the direction and supervision of the Solicitor, the Area Councils of the Bureau of Indian Affairs are severally authorized to determine whether claims not exceeding \$1,000 for damages arising out of the survey, construction, operation, or maintenance of irrigation works on Indian irrigation projects shall be allowed in whole or in part or shall be disallowed.

(c) Any award which may be made by the Solicitor pursuant to paragraph (a) of this section or by an Area Council pursuant to paragraph (b) of this section and which is accepted by the claimant in full satisfaction of his claim shall be paid out of funds available for the Indian irrigation project involved in the claim.

(d) The Solicitor of the Department of the Interior may exercise all the authority of the Secretary of the Interior in determining whether claims for damage to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation shall be allowed in whole or in part or shall be disallowed.

(e) Subject to the direction and supervision of the Solicitor, the Regional Councils of the Bureau of Reclamation are severally authorized to determine whether claims not exceeding \$1,000 for damage to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation shall be allowed in whole or in part or shall be disallowed.

(f) Any award which may be made by the Solicitor pursuant to paragraph (d) of this section or by a Regional Counsel pursuant to paragraph (e) of this section and which is accepted by the claimant in full satisfaction of the claim shall be paid out of funds available to the Bureau of Reclamation for such purpose.

(g) Any claimant who is dissatisfied with a determination made under paragraph (b) or paragraph (e) of this section regarding his claim may take an appeal to the Solicitor of the Department of the Interior within 15 days after receiving notice of such determination. Written notice of his desire to take an appeal shall be given by the claimant to the official who made the determination upon his claim, and such official shall thereupon promptly transmit to the Solicitor all documents and other data relating to the claim.

SEC. 23. *Appeals in land cases.* The Solicitor of the Department of the Interior may exercise all the authority of the Secretary of the Interior with respect to the disposition of appeals to the Secretary from decisions of the Director of the Bureau of Land Management (or his delegates), and from decisions of the Director of the Geological Survey (or his delegates), in proceedings which relate to lands or interests in lands.

SEC. 24. *Contract appeals.* The Solicitor of the Department of the Interior may exercise all the authority of the Secretary of the Interior in deciding appeals to the head of the Department from findings of fact or decisions by contracting officers of the Department of the Interior and its several agencies. (Articles 9 and 15, U. S. Standard Form No. 23; Article 12, U. S. Standard Form No. 32 (General Provisions, Supply Contract).)

SEC. 25. *Appeals in Indian probate proceedings.* The Solicitor of the Department of the Interior may exercise all the authority of the Secretary of the Interior with respect to the disposition of appeals to the Secretary in proceedings for the determination of heirs or the approval of wills of deceased Indians.

SEC. 26. *Escheat of Indian estates.* The Solicitor of the Department of the Interior may exercise all the authority of the Secretary of the Interior with respect to the disposition of the restricted or

trust estates of Indians who have died interstate and without heirs.

SEC. 27. *Remission of liquidated damages.* If the Solicitor of the Department of the Interior determines that, as a matter of justice and equity, all or any part of the liquidated damages assessed on or after July 1, 1949, because of delay against a party to a contract made by the Department of the Interior or one of its agencies on behalf of the Government should be remitted, the Solicitor is authorized to recommend to the Comptroller General that such remission be made. (41 U. S. C., 1946 ed., Supp. IV, sec. 256a.)

SEC. 28. *Acquisition of real estate by condemnation.* (a) The Solicitor of the Department of the Interior may exercise all the authority of the Secretary of the Interior under section 1 of the act of August 1, 1888, as amended (40 U. S. C., 1946 ed., Supp. IV, sec. 257), to acquire real estate for the United States by condemnation, under judicial process, whenever in the opinion of the Solicitor it is necessary or advantageous to the Government to do so, and the Solicitor is authorized to submit to the Attorney General of the United States applications for the institution of proceedings for condemnation.

(b) The Solicitor of the Department of the Interior may exercise the power of the Secretary of the Interior under section 1 of the act of February 26, 1931 (40 U. S. C., 1946 ed., sec. 258a), to sign declarations of taking.

SEC. 50. *Contracts; Bureaus.* (a) Irrespective of the amount involved, the head of a bureau may enter into contracts for construction, supplies, or services in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations. Secretarial approval is not a condition precedent to the consummation of such a contract unless the Secretary by a written order published in the FEDERAL REGISTER specifically prescribes such a requirement with respect to a particular contract or type of contract, or unless Secretarial approval is specifically required by statute. However, the head of a Bureau may request Secretarial approval of any proposed contract.

(b) With respect to any such contract, including a contract approved by the Secretary, the head of a bureau may issue change orders and extra work orders pursuant to the contract, enter into modifications of the contract which are legally permissible, and terminate the contract if such action is legally authorized.

(c) Except in those cases in which he is the contracting officer, the head of a bureau may, with respect to contracts entered into on United States standard form number 23, act as the authorized representative of the Secretary within the meaning of Articles 3 and 4 of that form, and, for the purpose of extending the time within which a contractor may notify a contracting officer of the causes of delay, Article 9 of Form No. 23. This paragraph shall not affect the authority to deviate from the standard form contracts granted to the Bureau of

Reclamation by the Chairman of the Interdepartmental Board of Contracts and Adjustments, with the approval of the Director of the Bureau of the Budget, in the memorandum dated November 26, 1927.

(d) The head of a bureau may redelegate to subordinate officials and employees of the bureau the authority granted in this section. Each such redelegation shall be published in the FEDERAL REGISTER.

(e) This section is not intended to affect any requirement that proposed programs be cleared with the Office of the Secretary prior to their inauguration.

(f) The head of a bureau shall make such reports concerning the exercise of the authority granted by this section as the Secretary may require. The bureaus will be guided by such procedures as the Secretary may from time to time prescribe.

(g) As used in this section, the term "bureau" means The Alaska Railroad, the Alaska Road Commission, the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Mines, the Bureau of Reclamation, the Fish and Wildlife Service, the Geological Survey, the National Park Service, the Puerto Rico Reconstruction Administration, the Southeastern Power Administration, and the Southwestern Power Administration.

(h) This section has no application to the Bonneville Power Administrator, who may continue to exercise authority to contract in accordance with the act of August 20, 1937, as amended (16 U. S. C., 1946 ed., sec. 832 et seq.). Articles 3, 4, and 9, U. S. Standard Form No. 23.)

SEC. 51. *Contracts; Office of the Secretary.* (a) Irrespective of the amount involved, the Chief Clerk is authorized to enter into contracts for supplies or services (1) for the Office of the Secretary, (2) for bureaus and offices from appropriations entitled "Contingent Expenses, Department of the Interior," and (3) for bureaus and offices and territorial agencies under special arrangements, such actions to be taken in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations. Secretarial approval is not a condition precedent to the consummation of such a contract unless the Secretary by a written order published in the FEDERAL REGISTER specifically prescribes such a requirement with respect to a particular contract or type of contract, or unless Secretarial approval is specifically required by statute.

(b) With respect to any such contract, including a contract approved by the Secretary, the contracting officer may issue change orders and extra work orders pursuant to the contract, enter into modifications of the contract which are legally permissible, and terminate the contract if such action is legally authorized.

SEC. 52. *Leases.* (a) *Continental United States.* The head of a bureau may, within the continental limits of the United States and outside the District of Columbia, lease space in buildings (1) that is to be used wholly or predom-

inantly for the special purposes of the bureau and will not be generally suitable for the use of other agencies, or (2) that is required for use incidental to and in conjunction with space that will be used for such special purposes, or (3) that is to be acquired under a lease involving no rental or a nominal consideration of \$1 per annum. (See General Services Administration, Real Property Management Regulation No. 1, sec. 4 (a), December 21, 1950.)

(b) *Territories and possessions.* The head of a bureau may, in the territories and possessions of the United States, lease space in buildings either for the general purposes or for the special purposes of the bureau.

(c) Secretarial approval is not a condition precedent to the consummation of any lease authorized by this section unless the Secretary, by written order published in the *FEDERAL REGISTER*, prescribes such a requirement with respect to a particular lease or type of lease, or unless Secretarial approval is specifically required by statute. However, the head of a bureau may request Secretarial approval of any proposed lease.

(d) With respect to any such lease described in paragraphs (a) and (b) of this section, including a lease approved by the Secretary, the head of a bureau may modify or renew the lease if such action is legally permissible, and may terminate the lease if such action is legally authorized.

(e) The head of a bureau may redelegate to subordinate officials and employees of the bureau the authority granted in this section. Each such redelegation shall be published in the *FEDERAL REGISTER*.

(f) The authority granted under this section shall be exercised in compliance with applicable regulations and statutory requirements and shall be subject to the availability of appropriations.

(g) A copy of U. S. Standard Form 81, Revised, "Request for Space", for each lease and each modification or renewal of a lease shall be transmitted to the Chief Clerk of the Department. Such action will be taken with respect to all leasing transactions, including those in which the General Services Administration does not require the filing of Standard Form 81, Revised (General Services Administration, Real Property Management Regulation No. 3, sec. 4b, June 21, 1951).

(h) As used in this section, the term "bureau" means The Alaska Railroad, the Alaska Road Commission, the Bonneville Power Administration, the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Mines, the Bureau of Reclamation, the Fish and Wildlife Service, the Geological Survey, the National Park Service, the Office of Territories, the Puerto Rico Reconstruction Administration, the Southeastern Power Administration, and the Southwestern Power Administration. (Sec. 3 (b), Reorganization Plan No. 18 of 1950 (15 F. R. 3177).)

SEC. 53. Contracts: Chairmen, Field Committees. In conformity with applicable regulations and statutory requirements, and subject to the availa-

bility of appropriations, the chairmen of the following field committees severally may, without Secretarial approval, purchase supplies and make contracts for supplies and services if the amount involved in any one case does not exceed \$100:

Alaska Field Committee.
Colorado River-Great Basin Field Committee.
Missouri River Basin Field Committee.
Pacific Northwest Field Committee.
Southwest Field Committee.

SEC. 60. Correspondence concerning condemnation proceedings. The head of any bureau of this Department may approve and sign correspondence concerning pleadings, awards, or judgments in condemnation proceedings, and any other routine, incidental, or related correspondence regarding the conduct of such proceedings, without the submission of such matters for Secretarial consideration, except that requests for condemnation proceedings and declarations of taking shall be submitted to the Secretary for consideration and approval. This section shall not be construed as a limitation upon the authority of the Bonneville Power Administrator, who may continue to exercise authority with respect to the institution of condemnation proceedings and the execution of declarations of taking in accordance with the Bonneville Project Act, as amended (16 U. S. C., 1946 ed., secs. 832a (c) and (d), 832k (b).)

SEC. 61. Requests for title opinions. The head of any bureau of this Department may request the Attorney General to render opinions concerning the validity of title pursuant to section 355, Revised Statutes (40 U. S. C., 1946 ed., sec. 255), without the submission of such requests to the Secretary for consideration or approval.

(Sec. 2, Reorganization Plan No. 3 of 1950, 15 F. R. 3174, except as otherwise noted.)

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 18, 1952.

[F. R. Doc. 52-8070; Filed, July 23, 1952; 8:45 a. m.]

[Order 2665, Amdt. 1]

ALASKA

RIGHTS-OF-WAY FOR HIGHWAYS

The right-of-way or easement for highway purposes covering the lands embraced in local roads established over the public lands in Alaska by section 2 (a) (3) and section 3 (b) of Order No. 2665 of October 16, 1951 (16 F. R. 10752), is hereby reduced, so far as it affects the Otis Lake Road, to 30 feet on each side of the center line thereof over the following-described lands only:

SEWARD MERIDIAN

T. 13 N., R. 3 W.,
Sec. 21, N $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 17, 1952.

[F. R. Doc. 52-8071; Filed, July 23, 1952; 8:47 a. m.]

[Order 2696]

HEADS OF BUREAUS AND AGENCIES

REDELEGATION OF AUTHORITY TO TRANSFER, DONATE, OR DISPOSE OF EXCESS OR SURPLUS REAL PROPERTY

JULY 17, 1952.

SECTION 1. Definitions. All terms used herein conform with definitions in Secretarial Order No. 2643, dated June 25, 1951, and GSA Public Buildings Service Circular No. 1, dated March 8, 1950.

SEC. 2. Policy. The purpose of this order is to foster and assure maximum utilization of excess real property and related personal property and enable the efficient and prompt transfer, donation, or disposal of excess or surplus real property and related personal property.

SEC. 3. Scope. This redelegation shall apply to all excess or surplus real property and related personal property in all bureaus and agencies of this Department that is subject to disposition under the Federal Property and Administrative Services Act of 1949, as amended.

SEC. 4. Authority redelegated. (a) The authority delegated to the Secretary to transfer, donate, or dispose of real property and related personal property excess to the needs of the Department of the Interior in accordance with the Federal Property and Administrative Services Act of 1949, as amended, and regulations issued thereunder, together with special delegations of authority issued to the Secretary by the Administrator of General Services, is hereby redelegated to the head of each bureau and agency with respect to property under his jurisdiction.

(b) The authority delegated in paragraph (a) may be further redelegated, in writing, by the head of each bureau or agency to the greatest extent practicable in order to adequately and efficiently carry out established programs. (5 U. S. C., 1946 ed., sec. 22; 41 U. S. C., 1946 ed., Supp. IV, sec. 201 et seq.; Reorganization Plan No. 3 of 1950, 15 F. R. 3174.)

SEC. 5. Standards. (a) The Departmental agency having custody of the property shall circularize all other bureaus and agencies having a possible interest in excess property in order to determine that such property is actually excess to the needs of the Department. The extent of such circularization shall be governed by the nature of the property and the likelihood of its use.

(b) All bureaus and agencies having excess property shall include in their circularization of notice of such property the appropriate programming division of the Office of the Secretary; either the Division of Minerals and Fuels, the Division of Land Utilization, or the Division of Water and Power.

(c) Property determined to be excess to the needs of the Department shall be transferred, donated, or disposed of in accordance with issuances of the Office of the Secretary and Public Buildings Service Circular No. 1 (and supplements thereto).

SEC. 6. Compliance. (a) In carrying out the provisions of this order, each

agency shall prepare and maintain such records as will show compliance with:

(1) The Federal Property and Administrative Services Act of 1949, as amended, including regulations and special delegations issued thereunder by the Administrator of General Services;

(2) Order No. 2643, Property Accounting;

(3) Order No. 2680, Sale of surplus Government property to Government employees;

(4) Other issuances from the Office of the Secretary. Such records shall be available for inspection at all reasonable times.

(b) Reports shall be prepared and filed with the Administrator in such manner as specified by General Services Administration regulations.

(c) Bureaus or agencies shall file with the Division of Property Management two (2) copies of all redelegations and instructions of general applicability which they may issue in furtherance of this order.

SEC. 7. Revocation. Order No. 2265 is hereby revoked.

(64 Stat. 832; 5 U. S. C. 22, 109; 18 U. S. C. 100, 189; 31 U. S. C. 89-93; 41 U. S. C. 1946 ed., Supp. IV, 232, 233)

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52-8119; Filed, July 23, 1952;
8:57 a. m.]

[Order 2697]

FISH AND WILDLIFE SERVICE

DESIGNATION OF ACTING DIRECTOR AND ACTING ASSISTANT DIRECTOR

SECTION 1. Acting Director. (a) In the event of the absence, sickness, resignation, or death of the Director of the Fish and Wildlife Service, his duties shall be performed by an Assistant Director. If more than one Assistant Director is available the duties of the Director shall be performed by the Assistant Director whose appointment bears the earliest date.

(b) The Chief, Division of Administration, shall perform the duties of the Director in the event of the absence, sickness, resignation, or death of the Director and the Assistant Directors.

(c) The Chief, Division of Management, when for any reason the Chief, Division of Administration, is not available, shall perform the duties of the Director in the event of the absence, sickness, resignation, or death of the Director and the Assistant Directors.

(d) The Chief Counsel, when for any reason the Chief, Division of Administration, and the Chief, Division of Management, are not available, shall perform the duties of the Director in the event of the absence, sickness, resignation, or death of the Director and the Assistant Directors.

(e) An officer acting under authority of this section shall sign documents under the title "Acting Director".

SEC. 2. Acting Assistant Director. (a) In the event of the absence, sickness, resignation, or death of an Assistant Di-

rector, his duties shall be performed by another Assistant Director.

(b) The Chief, Division of Administration, shall perform the duties of Assistant Director in the event of the absence, sickness, resignation, or death of the Assistant Directors.

(c) The Chief, Division of Management, when for any reason the Chief, Division of Administration, is not available, shall perform the duties of Assistant Director in the event of the absence, sickness, resignation, or death of the Assistant Directors.

(d) The Chief Counsel, when for any reason the Chief, Division of Administration, and the Chief, Division of Management, are not available, shall perform the duties of Assistant Director in the event of the absence, sickness, resignation, or death of the Assistant Directors.

(e) An officer, other than an Assistant Director, acting under authority of this section shall sign documents under the title "Acting Assistant Director".

(5 U. S. C., 1946 ed., sec. 22, Reorganization Plan No. 3 of 1950, 15 F. R. 3174)

Issued this 17th day of July 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52-8072; Filed, July 23, 1952;
8:47 a. m.]

ALASKA

PROPOSED WITHDRAWAL FOR DEPARTMENT OF THE ARMY OF PUBLIC LANDS IN SUSITNA FLATS AREA NEAR ANCHORAGE; NOTICE OF HEARING

Notice is hereby given that the public hearing with respect to a proposed withdrawal for the Department of the Army which was postponed until 10:00 a. m. on Friday, August 1, 1952, by a notice dated June 27, 1952, published in the FEDERAL REGISTER of July 4, 1952 (17 F. R. 6058), will be held by Lowell M. Puckett, Regional Administrator, Bureau of Land Management, Department of the Interior, at the Y. M. C. A., corner of Sixth and F Streets, Anchorage, Alaska, at 10:00 a. m. on the said date.

R. D. SEARLES,
Under Secretary of the Interior.

JULY 18, 1952.

[F. R. Doc. 52-8069; Filed, July 23, 1952;
8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 134]

O. B. HAUFSTADTER CO. ET AL.

ORDER REVOKING AND DENYING LICENSE PRIVILEGES

In the matter of: Ozyash B. Haufstadter, doing business as O. B. Haufstadter Co., 220 Broadway, New York 7, New York; Gustav von Hornung, "Hantra" Transit-Handelsgesellschaft, St. Jacobstrasse 21, Basel, Switzerland; S. Stier, 125, Rue de Hollande, Tangier, Morocco, Respondent; Case No. 134.

This proceeding was begun by the issuance of a charging letter, dated October 5, 1951, wherein the Director, Investigation Staff, Office of International Trade, charged Ozyash B. Haufstadter and O. B. Haufstadter Co. of 220 Broadway, New York City, New York; Gustav von Hornung and "Hantra" Transit-Handelsgesellschaft of St. Jacobstrasse 21, Basel, Switzerland; and S. Stier of 125, Rue de Hollande, Tangier, Morocco, with having violated the Export Control Act of 1949, as amended, and the Regulations promulgated thereunder.

In conformity with 15 CFR 382.11 (a) (15 F. R. 2733), all the named respondents were temporarily suspended from validated license privileges pending the determination of this proceeding.

All the respondents were duly informed of their right to answer the charges and their right to demand an oral hearing. Haufstadter and his company at first demanded a hearing but later submitted an affidavit, intended to be an answer, and elected to submit the case on this affidavit and the evidence, without oral hearing. They were represented by counsel. Von Hornung, Hantra, and Stier submitted answers but did not demand an oral hearing. The answers and all the evidence, together with the charging letter, were duly submitted to a Compliance Commissioner for his consideration, report, and recommendations. Two informal hearings were held by the Compliance Commissioner and he has filed his report and recommendations with the Assistant Director for Export Supply.

After reviewing the whole record and carefully considering the evidence and the report and recommendations of the Compliance Commissioner, I hereby make the following findings of fact:

1. Ozyash B. Haufstadter is engaged in the business of exporting pharmaceuticals and drugs and does business under the firm name and style of O. B. Haufstadter Co., at 220 Broadway, New York 7, New York.

2. Gustav de Hornung, sometimes called Gustav von Hornung, is an active official of "Hantra" Transit-Handelsgesellschaft and was an active, knowing participant in the acts hereinafter found to have been done by Hantra.

3. "Hantra" Transit-Handelsgesellschaft is a transit and trading company engaged in business in Basel, Switzerland.

4. S. Stier is engaged in the pharmaceutical and chemical business in Tangier, Morocco.

5. On January 25, 1951, Haufstadter submitted to the Office of International Trade two applications for validated licenses to export 400,000 grams of dihydrostreptomycin sulphate to England. These applications were assigned OIT Case Nos. 2279174 and 2279177.

6. In these applications Haufstadter falsely certified that the country of ultimate destination was England, when, in fact, he knew that it was intended that the goods were to be transshipped to Soviet Russia.

7. On December 12, 1950, Haufstadter submitted to the Office of International Trade an application for validated license to export 100,000 grams of dihydro-

streptomycin sulphate to Switzerland. This application was assigned OIT Case No. 2220361.

8. In this application, Haufstadter falsely certified that Hantra was the ultimate consignee and purchaser, that Switzerland was the country of ultimate destination, and that the goods were to be sold there in the open market for medicinal purposes. So as to make it appear that he had an order to support this application, on December 13, 1950, he requested Hantra to send him the order predated December 9, 1950. Hantra did so.

9. Both Hantra and Haufstadter knew and intended that if the license were granted and the goods were shipped, they would be resold to an agency representing purchasers in a country or countries under Communist control for re-export to such country or countries.

10. On November 29, 1950, Haufstadter submitted to the Office of International Trade an application for validated license to export 400,000 grams of dihydrostreptomycin sulphate to Madrid, Spain. This application was assigned OIT Case No. 2200759.

11. In this application Haufstadter falsely certified that the person named therein was the ultimate purchaser and consignee, that Spain was the country of ultimate destination and that the goods were to be sold in the open market there for medicinal purposes.

12. Haufstadter created these false conditions and on December 15, 1950, he induced a correspondent to furnish him with what might appear to be an order for the goods mentioned upon the conditions certified, for the sole purpose of obtaining a license to export the goods there so that they might subsequently be acquired by an agency representing purchasers in a country or countries under Communist control for re-export to such country or countries.

13. On December 12, 1950, Haufstadter submitted to the Office of International Trade an application for validated license to export 50,000 grams dihydrostreptomycin sulphate to Tangier, Morocco. This application was assigned OIT Case No. 2220362.

14. In this application, Haufstadter falsely certified that Stier was the ultimate purchaser and consignee, that Morocco was the country of ultimate destination, and that the goods were to be sold in the open market there for medicinal purposes. So as to make it appear that he had an order to support this application, on December 15, 1950, he requested Stier to send him the order predated to about the middle of November 1950.

15. Stier sent him this order on December 23, 1950, with the intention, in accordance with Haufstadter's request, that it be pro forma or provisional only and without binding effect.

16. Haufstadter's purpose in filing this application was to obtain the license to ship this product to Tangier, Morocco, so that it might be purchased there by an agency representing purchasers in a country or countries under Communist control for re-export to such country or countries and he forthwith engaged in an active effort to have Hantra make

arrangements necessary to accomplish that purpose. Hantra did, in fact, endeavor to effectuate a sale to such foreign interests but such sale was not consummated solely because of the unwillingness of Stier to deliver the goods unless they were shipped to him, "Tangier in transit."

17. The license was granted for 7500 grams, which were shipped to Stier.

18. On January 17, 1950, Haufstadter submitted to the Office of International Trade an application for validated license to export 40,000 vials of penicillin to Stier in Tangier, Morocco. This application was assigned OIT Case No. 2265651.

19. In this application, Haufstadter falsely certified that Stier was the ultimate purchaser and consignee, that Morocco was the country of ultimate destination, and that the goods were to be sold there for medicinal purposes. Prior to or just after the filing of said application, Stier had ordered a similar quantity of penicillin to be shipped, "in transit Tangier." Despite this, and knowing that such shipment would not be licensed, Haufstadter sent Stier "pro forma" invoices and requested that Stier send him a new, specific order indicating that the goods were for sale in the home market in Morocco.

20. Export license to ship 25,000 vials of penicillin was granted and these were shipped to Stier.

21. On January 16, 1951, Haufstadter submitted to the Office of International Trade an application for validated license to export 3,000 bottles of chloromycetin and 3,000 bottles of aureomycin to a merchant in Chile. This application was assigned OIT Case No. 2263811.

22. Prior to the submission of this application, Haufstadter had received an inquiry from the merchant in Chile concerning these drugs but had not received an order.

23. In this application, Haufstadter falsely certified that he possessed an accepted order for the goods mentioned, that Chile was the country of ultimate destination, and that the purchaser and consignee therein mentioned would resell the goods in the open market there for medicinal purposes.

24. This application was granted as requested and the export license was issued February 16, 1951.

25. Immediately thereafter, on February 19, 1951, Haufstadter offered the chloromycetin and aureomycin, so licensed for Chile, to Hantra.

26. Subsequently, on April 25, 1951, Haufstadter was informed that his named purchaser and consignee in Chile could not obtain an import license for the goods licensed for export but, despite this knowledge, he failed to return the license to the Office of International Trade and it was later retrieved from him by a special agent of this agency.

And, from the foregoing, I make the following conclusions:

A. That Haufstadter, Hantra, and Stier knowingly submitted false orders in support of applications for validated export licenses with the intention not to abide by such orders, in violation of 15 CFR 381.1 (b) (3) (iii) (15 F. R. 2730),

B. That Haufstadter and Hantra conspired to obtain validated export licenses to export commodities from the United States to certain named destinations for the purpose of transshipping and diverting such commodities from the destinations so named to a country or countries to which export of such commodities would not have been licensed to their knowledge and, in furtherance of such conspiracy, Haufstadter knowingly submitted applications to the Office of International Trade for such validated export licenses, which applications contained numerous false statements and Hantra knowingly aided and abetted him in so doing, all in violation of 15 CFR 381.1 (b) (3) (i) (15 F. R. 2730).

C. That Haufstadter knowingly submitted each and every one of the applications hereinabove mentioned for the purpose of obtaining validated export licenses and knowingly set forth therein false statements calculated to induce the issuance of such licenses, in violation of 15 CFR 381.1 (b) (2) (15 F. R. 2730).

D. That Haufstadter knowingly failed, omitted, and neglected to return to the Office of International Trade Export License No. B1-216-33541, which had been issued to him for the export of chloromycetin and aureomycin to Chile after he had been informed that the licensed consignee and purchaser was unable to obtain an import license necessary to complete said transaction, in violation of 15 CFR 372.16 (15 F. R. 2717).

In his report, the Compliance Commissioner has analyzed the various acts to the respondents, their relationship to each other, their possible motives and the degree and nature of their participation in the acts found to have been committed. He thereupon made certain recommendations. These recommendations are found by me to be fair and reasonable under the particular facts of this case, they are necessary and proper to achieve effective enforcement of the law, and they should be adopted: Now, therefore, it is ordered, As follows:

I. The temporary suspension order presently effective against S. Stier be and the same hereby is continued in effect until the last day of the calendar month in which this order is dated; and, until and including that day he, and every other person, firm, corporation, or business association with or to which he may be related by ownership, control, responsible position or other connection in the conduct of trade involving exportations from the United States, be and they hereby are denied the privilege of participating directly or indirectly in any capacity in the obtaining or using of validated export licenses and they and each of them are hereby declared to be ineligible to be a purchaser, ultimate consignee, intermediate consignee, or otherwise a party to any exportation from the United States under any validated export license.

II. All outstanding validated export licenses held by or issued in the names of, or wherein are named in any capacity, Ozyash B. Haufstadter, O. B. Haufstadter Co., Gustav de Hornung, also known as Gustav von Hornung, and "Hantra"

Transit-Handelsgesellschaft, or any of them, be and they hereby are revoked and shall be returned forthwith to the Office of International Trade for cancellation.

III. Ozyash B. Haufstadter, O. B. Haufstadter Co., Gustav de Hornung, also known as Gustav von Hornung and "Hantra" Transit-Handelsgesellschaft, its officers and shareholders, their successors and assigns, representatives, agents, and employees be and they hereby are denied for a period of three (3) years from the date of this order or for the duration of export controls, whichever is shorter, the privileges of directly or indirectly exporting or otherwise participating in any exportations of any commodity from the United States to any foreign destination, including Canada. This denial of export privileges includes and prohibits participation directly or indirectly in any capacity (a) in the obtaining or using of validated export licenses and general licenses, (b) as a party or as a representative of a party to any export license application or to any exportation, (c) in the receiving of any commodities exported from the United States, and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

IV. This revocation and denial of export privileges applies not only to each of the respondents named in paragraph III hereof but also to any other person, firm, corporation or business organization with which each or any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

V. This revocation and denial of export privileges includes also and embraces within its scope any and all sales of goods by Ozyash B. Haufstadter, O. B. Haufstadter Co., and any person, firm, or corporation within the scope of paragraph IV hereof, even though such sales be fully consummated in this country, if it is known by such vendor that the goods so sold are sold to a purchaser or purchasers in the United States for the express purpose of exporting the same from the United States, regardless of the prices or terms upon which said Haufstadter, Haufstadter Co., or related firm or corporation may sell such goods to such purchaser or purchasers and regardless also of whether said Haufstadter, Haufstadter Co., or related firm or corporation shall act in any such transaction as principal, agent, or broker. Nothing in this paragraph contained shall be deemed to limit or in any way restrict the generality or effect of paragraph III above.

VI. No person or business organization shall knowingly (a) apply for or obtain any license, shipper's export declaration, bill of lading or other export control document relating to any exportation from the United States of commodities to or for any of the respondents or those persons and business organizations covered in paragraphs III and IV hereof, or (b) order, receive, service, or otherwise act as a party or as a representative of a party to, any ex-

portation of commodities from the United States, in such manner that any of the said respondents or those persons and business organizations within the scope of paragraphs III and IV hereof will directly or indirectly obtain any benefit therefrom, without prior disclosure of such facts to, and specific authorization of, the Office of International Trade.

Dated: July 18, 1952.

JOHN C. BORTON,
Assistant Director
for Export Supply.

[F. R. Doc. 52-8126; Filed, July 23, 1952;
8:58 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

SPECIAL ASSISTANT TO SECRETARY

DELEGATION OF AUTHORITY WITH RESPECT TO RECRUITMENT OF MEXICAN WORKERS FOR AGRICULTURAL EMPLOYMENT IN UNITED STATES

Since the publication in the August 16, 1951, issue of the FEDERAL REGISTER (16 F. R. 8147) of the statement of organization of the United States Department of Labor, certain additional functions have vested in the Secretary of Labor pursuant to the Act of July 12, 1951, 65 Stat. 119. Under this act, the Secretary is authorized to perform various functions with respect to the recruitment of Mexican workers for agricultural employment in the United States. The functions of the Secretary under this act and under the Migrant Labor Agreement of 1951, as amended, between the Governments of the United States and Mexico are carried out generally through the Bureau of Employment Security. The making of final determinations pursuant to Article 30 of the Migrant Labor Agreement of 1951, as amended, has been delegated to Special Assistant to the Secretary Paul M. Kenefick.

Signed at Washington, D. C., this 16th day of July 1952.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 52-8073; Filed, July 23, 1952;
8:47 a. m.]

Wage and Hour Division

APPLICATION TO INCLUDE MANUFACTURE OF CITRUS MOLASSES IN FLORIDA WITHIN CITRUS PULP AND WASTE DEHYDRATING INDUSTRY IN FLORIDA AND TEXAS, WHICH HAS BEEN DETERMINED TO BE OF SEASONAL NATURE

NOTICE OF DENIAL OF PETITION FOR REVIEW

On April 18, 1952, notice was published in the FEDERAL REGISTER (17 F. R. 3459) that the authorized representative of the Administrator of the Wage and Hour Division designated to hear and consider this matter had denied a petition to amend the seasonal industry determination for the citrus pulp and waste dehydrating industry in Florida

and Texas so as to include within such industry the manufacture of citrus molasses in Florida.

The notice provided that any person aggrieved by the said determination could, within 15 days after the date of publication of the notice in the FEDERAL REGISTER, file a petition with the Administrator requesting that he review the action of the authorized representative upon the record of the hearing. A petition for review was filed with the Administrator within 15 days of publication of the notice. After careful consideration of the petition I find that a review of the presiding officer's findings is not warranted. Therefore, pursuant to the provisions of § 526.7 of the regulations (29 CFR Part 526), the petition for review is hereby denied, and the findings and determination of the presiding officer are now final.

Signed at Washington, D. C., this 18th day of July 1952.

WM. R. McCOMB,
Administrator, Wage and Hour
Division, United States De-
partment of Labor.

[F. R. Doc. 52-8074; Filed, July 23, 1952;
8:48 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

Ashland Crafts, Inc., Eighteenth Street and Carter Avenue, Ashland, Ky., effective 7-7-52 to 1-6-53; 10 learners for expansion purposes (children's dresses).

Barson & Bishop, 179-185 Delaware Avenue, Palmerton, Pa., effective 7-9-52 to 7-8-53; 10 learners (ladies' blouses).

Connellsville Sportswear Co., Connellsville, Pa., effective 7-10-52 to 7-9-53; 10 percent of the productive factory force (pants).

Esskay Manufacturing Co., 410 South Main, San Antonio, Tex., effective 7-14-52 to 7-13-53; 10 percent of the productive factory force (boys' shirts, overalls, slacks, etc.).

Portex Manufacturing Co., Inc., Fort Deposit, Ala., effective 7-15-52 to 1-14-53; 50 learners for expansion purposes (men's and boys' pajamas).

H & W Sportswear Manufacturing Co., 875 Hickory Street, Peckville, Pa., effective 7-9-52 to 7-8-53; 10 learners (women's blouses).

Hawley Garment Co., 522 Spring Street, Hawley, Pa., effective 7-7-52 to 7-6-53; five learners (dresses).

Indiana Sportswear Co., Indiana, Pa., effective 7-17-52 to 1-16-53; 100 learners for expansion purposes (men's, boys' and juveniles' sport jackets).

The H. D. Lee Co., Inc., Box 455, Boaz, Ala., effective 7-14-52 to 7-13-53; 10 learners (men's work clothing and overalls).

The H. D. Lee Co., Inc., Box 455, Boaz, Ala., effective 7-14-52 to 1-13-53; 10 learners for expansion purposes (men's work clothing and overalls).

Modelrite Dress Co., 147 Chestnut Street, Dunmore, Pa., effective 7-8-52 to 7-7-53; 10 learners (dresses and blouses).

Palm Beach Co., Talladega, Ala., effective 7-11-52 to 7-10-53; 10 percent of the productive factory force (coats and pants).

Salisbury Undergarment Co., Inc., Salisbury, Pa., effective 7-11-52 to 7-10-53; 10 learners (ladies' woven underwear).

Trego's Westwear, 1001 and 1003, Woodward, Okla., effective 7-7-52 to 7-6-53; 10 learners. Learners to be engaged at subminimum wage rates in the manufacture of only those items covered under section 522.161 (a) (3) (6) of the apparel regulations (leather fringed coats, cowgirl suits, cowboy suits).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Trio Knitting Mill, Willow Street, Mount Airy, N. C., effective 7-11-52 to 7-10-53; five learners.

Wrenn Hosiery Mills, Thomasville, N. C., effective 7-18-52 to 7-17-53; 5 percent of the productive factory force.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Stedman Manufacturing Co., Asheboro, N. C., effective 7-14-52 to 2-13-53; 20 learners for expansion purposes (men's knitted underwear).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

Malsak-Handler Shoe Co., Inc., Senath, Mo., effective 8-1-52 to 7-31-53; 10 learners.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Bright Infants Wear Co., Star Route, Freehold, N. J., effective 7-11-52 to 1-10-53; five learners for expansion purposes; sewing machine operators; 320 hours; 65 cents per hour for the first 160 hours and 70 cents per hour for the remaining 160 hours (infants' bathrobes, blankets, bunnings, carriage covers, etc.).

Eger Bait Manufacturing Co., Highway 17, Bartow, Fla., effective 7-11-52 to 1-10-53; 10 learners for expansion purposes; Artificial lure tiers; 160 hours at 65 cents per hour (fishing lures).

Londontown Manufacturing Co., 1101 East Twenty-fifth Street, Baltimore 18, Md., effective 7-11-52 to 7-10-53; five learners; sewing machine operators; 480 hours; 60 cents per hour for the first 240 hours and 65 cents

per hour for the remaining 240 hours (men's raincoats, topcoats and sport coats).

The following special learner certificate was issued in the Virgin Islands to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

V. I. Jewelry Manufacturing Corp., St. Thomas, V. I., effective 7-9-52 to 1-8-53; 80 learners; Soldering, 160 hours at 25 cents per hour, 240 hours at 32½ cents per hour; stone setting, 160 hours at 25 cents per hour, 160 hours at 35 cents per hour; lay out, 160 hours at 25 cents per hour, 160 hours at 35 cents per hour (custom jewelry).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 17th day of July 1952.

MILTON BROOKE,
Authorized Representative
of the Administrator.

[F. R. Doc. 52-8075; Filed, July 23, 1952;
8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6193]

CONNECTICUT LIGHT AND POWER CO.
NOTICE OF ORDER APPROVING MAINTENANCE
JULY 18, 1952.

Notice is hereby given that on July 18, 1952, the Federal Power Commission issued its order entered July 17, 1952, approving maintenance of permanent connection for emergency use only in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8077; Filed, July 23, 1952;
8:48 a. m.]

[Docket Nos. G-1612, G-1714, G-1715, G-1722,
G-1723]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF FINAL DECISIONS

JULY 18, 1952.

Notice is hereby given that the Presiding Examiner's Decisions issuing certificates of public convenience and necessity in the above-designated matters were issued and served upon all parties on June 12, 1952. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and pro-

cedure said decisions became effective on July 14, 1952, as the final decisions and orders of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8079; Filed, July 23, 1952;
8:49 a. m.]

[Docket No. G-1866]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER PERMITTING WITHDRAWAL
OF APPLICATION

JULY 18, 1952.

Notice is hereby given that on July 18, 1952, the Federal Power Commission issued its order entered July 17, 1952, permitting withdrawal of application in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8078; Filed, July 23, 1952;
8:48 a. m.]

[Docket No. G-1975]

MISSISSIPPI RIVER FUEL CORP.

ORDER FIXING DATE OF HEARING

JULY 17, 1952.

On June 12, 1952, Mississippi River Fuel Corporation (Mississippi) a Delaware corporation having its principal place of business at 407 North 8th Street, St. Louis, Missouri, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a 2-inch diameter tap and a metering and regulating station connecting with its Line No. 1 in Morehouse Parish, Louisiana, for the delivery and sale of natural gas, on an interruptible basis, to Mid Valley Pipe Line Company (Mid-Valley), Mississippi also filed, on June 12, 1952, a petition requesting this Commission to issue a declaratory order declaring that the construction and operation of the facilities required in the sale to Mid-Valley would not involve such transportation in interstate commerce as to be within the jurisdiction of this Commission.

Mississippi accompanied the aforementioned application with a request for a temporary certificate of public convenience and necessity, stating that the natural gas to be sold and delivered to Mid-Valley would be used as fuel in a pumping station of that company—pumping crude oil to a refinery of Mid-Valley, at which refinery the crude oil would be refined as aviation gasoline, and that there is a shortage of aviation gasoline for defense purposes.

On July 3, 1952, the Commission by telegram notified Mississippi that its request for a temporary certificate was denied since its issuance was not shown to come within the purview of the Commission's authority under section 7 of the Natural Gas Act, and the Commission's regulations thereunder.

On July 7, 1952, Mississippi filed a telegraphic request with the Commission, requesting the Commission to reduce the usual fifteen day period between publication of the order setting date of hearing in this matter, and the date of hearing. Mississippi bases its request on the same grounds which it set forth in its request for a temporary certificate, aforementioned.

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 26, 1952 (17 F. R. 5740).

(2) It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on July 28, 1952, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application, as supplemented: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 18, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8081; Filed, July 23, 1952;
8:50 a. m.]

[Docket No. G-1994]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

JULY 18, 1952.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation, address 2223 Dodge Street, Omaha 1, Nebraska, filed on July 7, 1952, an application pursuant to section 7 of the Natural Gas Act for (1) a certificate of public convenience and necessity authorizing the construction and maintenance of certain transmission pipe-line facilities and the operation of said facilities in the future as an emergency interconnection pursuant to the terms of § 157.14 of the Commission's general rules and regulations, and (2) authorization to abandon certain other transmission pipe-line facilities.

The facilities for which Applicant seeks certification consist of approximately 4 miles of 16-inch pipeline between its 24 and 26-inch main line and the 26-inch main line of Natural Gas Pipeline Company of America, all located in Mills County, Iowa. The facilities proposed to be abandoned consist of approximately 1.3 miles of 12-inch pipeline between Applicant's 24-inch main line and Natural Gas Pipeline Company of America's 18-inch main line, also all located in Mills County, Iowa.

Applicant states that construction was commenced on the facilities for which certification is sought during recent Missouri River floods, as an emergency interconnection. It is now proposed that said facilities will remain as an interconnection for emergency purposes although not physically connected with the pipeline of Natural Gas Pipeline Company of America. The facilities proposed to be abandoned presently serve as an emergency interconnection between Applicant's and Natural Gas Pipeline Company of America's pipelines; however, they are stated by Applicant to be inadequate for such purpose as they were under water during the recent floods. It is estimated that 385,000 Mcf of natural gas per day could be delivered to Applicant through the new facilities in the event of an emergency.

The estimated cost of the facilities for which certification is sought is \$244,000, while the estimated cost of removal of the facilities proposed to be abandoned is \$4,600. The project is proposed to be financed out of Applicant's general funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of August 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8080; Filed, July 23, 1952;
8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

G. W. ZILLER, INC.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 18th day of July 1952.

In the Matter of G. W. Ziller, Inc., 730 Marsh Avenue, Reno, Nevada.

I. The Commission's public official files disclose that G. W. Ziller, Inc., hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,¹ stating

¹ Filed as part of the original document.

that registrant did not file with the Commission reports of his financial condition during the calendar years 1949, 1950, and 1951 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. It is ordered, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 2d day of September 1952 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before August 26, 1952. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived:

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to September 2, 1952.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter

except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 52-8082; Filed, July 23, 1952;
8:50 a. m.]

ROBERT E. HORTON

ORDER FOR PROCEEDINGS AND NOTICE OF
HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 18th day of July 1952.

In the matter of Robert E. Horton, 530 West Sixth Street, Los Angeles, California.

I. The Commission's public official files disclose that Robert E. Horton, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,¹ stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943 through 1951 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. It is ordered, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 2d day of September 1952 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW.,

Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before August 26, 1952. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived:

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to September 2, 1952.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 52-8083; Filed, July 23, 1952;
8:50 a. m.]

STAMPLEY & Co.

ORDER FOR PROCEEDINGS AND NOTICE OF
HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 18th day of July 1952.

In the matter of Kenneth McIntosh, dba Stampley & Company.

I. The Commission's public official files disclose that Kenneth McIntosh, doing business as Stampley & Company, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,¹ stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943 through 1951 as required by section 17 (a) of the

Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. It is ordered, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 2d day of September 1952 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before August 26, 1952. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived:

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to September 2, 1952.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provi-

¹ Filed as part of the original document.

sions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 52-8084; Filed, July 23, 1952;
8:51 a. m.]

JOHN C. ROCHE & Co.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 18th day of July 1952.

In the matter of John C. Roche, dba John C. Roche & Co., 315 Montgomery Street, San Francisco, California.

I. The Commission's public official files disclose that John C. Roche, doing business as John C. Roche & Co., hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof, stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943 through 1951 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. It is ordered, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 2d day of September 1952 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the

* Filed as part of the original document.

Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before August 26, 1952. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived:

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to September 2, 1952.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 52-8085; Filed, July 23, 1952;
8:52 a. m.]

[File No. 70-2436]

ELECTRIC BOND AND SHARE CO.

ORDER GRANTING RECITALS

JULY 18, 1952.

The Commission, on August 24, 1950, having approved the acquisition by Electric Bond and Share Company ("Bond and Share"), a registered holding company, of shares of the common stock of The Southern Company in exchange for Bond and Share's holdings of the common stock of Birmingham Electric Company subject to the condition that Bond and Share should within one year from the date of such acquisition divest itself of the stock of The Southern Company so acquired; and

Bond and Share having notified the Commission pursuant to Rule U-44 (c) of the rules and regulations promulgated under the act of Bond and Share's intention to sell from time to time prior to January 1, 1953 through the facilities of the New York Stock Exchange the remainder of Bond and Share's holdings of the common stock of The Southern Company totaling 171,053 shares; and

The Commission having notified Bond and Share that no declaration need be filed with respect to this matter; and

Bond and Share having requested that the Commission enter an order containing the recitals required by section 1808 (f) and Supplement R of the Internal Revenue Code, and the Commission deeming it appropriate that such request be granted:

It is ordered and recited, That the sale by Electric Bond and Share Company of the remainder of its holdings of the Southern Company common stock totaling 171,053 shares from time to time through the facilities of the New York Stock Exchange is necessary or appropriate to the integration or simplification of the holding company system of which Electric Bond and Share Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of the Internal Revenue Code and section 1808 (f) and Supplement R thereof.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 52-8088; Filed, July 23, 1952;
8:52 a. m.]

[File No. 70-2868]

COLUMBIA GAS SYSTEM, INC., AND NATURAL GAS COMPANY OF W. VA.

ORDER AUTHORIZING ISSUANCE AND SALE OF COMMON STOCK AND INSTALLMENT PROMISSORY NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT COMPANY

JULY 18, 1952.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Natural Gas Company of West Virginia ("Natural Gas"), a subsidiary company of Columbia having filed a joint application, and an amendment thereto, with this Commission pursuant to sections 6 (b), 9 and 10 of the Public Utility Holding Company Act of 1935 with respect to the following proposed transactions:

Natural Gas proposes to amend its Articles of Incorporation so as to increase its authorized common stock, par value of \$100 per share, from 30,000 shares to 50,000 shares. Natural Gas further proposes to issue and sell and Columbia proposes to acquire, at par, 5,500 shares of common stock, par value \$100 per share (\$550,000), and a maximum of \$600,000 principal amount of 3% percent Installment Promissory Notes. Natural Gas represents that the proceeds in the amount of \$1,150,000 to be derived from Columbia would be used to finance, in part, its 1952 construction program estimated to cost \$1,336,189. Natural Gas states that such common stock and 3% percent Notes would be issued and sold at such times and in such amounts as are necessary not to exceed in the aggregate the amounts set forth hereinabove, and that none of such securities would be sold subsequent to March 31, 1953.

It is further stated that the 3½ percent Notes proposed to be issued by Natural Gas would be payable in twenty-five equal annual installments on February 15 of each of the years 1954 to 1978, inclusive. Interest on the unpaid principal amount thereof would be payable semi-annually on February 15 and August 15.

The Public Service Commission of the State of West Virginia having expressly authorized the proposed issuance and sale of the common stock and Notes by Natural Gas; and

Due notice having been given of the filing of the joint application, as amended, and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said joint application, as amended, be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said joint application, as amended, be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[P. R. Doc. 52-8089; Filed, July 23, 1952;
8:53 a. m.]

[File No. 70-2900]

NEW ENGLAND GAS AND ELECTRIC ASSOCIATION AND ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF FILING OF PROPOSED SALE BY SUBSIDIARY OF REGISTERED HOLDING COMPANY OF PRINCIPAL AMOUNT OF BONDS AND SHARES OF COMMON STOCK AND OF PROPOSAL BY PARENT TO ACQUIRE COMMON STOCK AND TO ISSUE AND SELL SHORT-TERM NOTES

JULY 18, 1952.

Notice is hereby given that New England Gas and Electric Association ("NEGEA"), a registered holding company, and one of its subsidiary companies, Algonquin Gas Transmission Company ("Algonquin"), have filed a joint-application-declaration pursuant to sections 6, 7, 9 (a), 10, and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder with respect to the following transactions:

Algonquin proposes to issue and sell privately to three insurance companies \$9,734,000 aggregate principal amount of its First Mortgage Pipeline Bonds, 4¼ percent Series, due September 1, 1971. Each of the three prospective purchasers of the bonds were members of the group of four insurance companies which purchased the presently outstanding \$27,600,000 principal amount of Algonquin's 3¾ percent Series bonds, due 1971. The names of the companies to which the new bonds are to be sold and the respective

amounts to be sold to each of them are as follows:

Metropolitan Life Insurance Co.	\$5, 675, 000
John Hancock Mutual Life Insurance Co.	3, 446, 000
New England Mutual Life Insurance Co.	613, 000

The bonds are to be issued under and secured by Algonquin's present Mortgage and Deed of Trust dated as of March 1, 1951, as supplemented by an indenture to be subsequently submitted to the Commission. In accordance with the terms of a bond purchase agreement to be entered into between Algonquin and the purchasers, the bonds are to be sold, from time to time, for cash at 100 percent of principal amount plus accrued interest. A commitment fee will be paid at the rate of 1 percent per annum of the unused balance of the total commitment from the date of the purchase agreement to the date the bonds are issued. The purchase agreement will also provide for an additional special sinking fund with respect to Algonquin's presently outstanding First Mortgage Pipeline Bonds, 3¾ percent Series, due 1971. This special sinking fund will provide for payments by Algonquin out of net income and depreciation funds not required for construction until a total of \$3,000,000 principal amount of the 3¾ percent Series Bonds have been retired, after which the regular sinking fund payments applicable to such bonds will be reduced pro rata.

Algonquin also proposes to amend its charter so as to increase the amount of its authorized \$100 par value common stock, and to issue and sell, from time to time, pursuant to preemptive rights, 48,660 additional shares of such stock. NEGEA, which does not desire to purchase its proportionate share of the common stock to be offered by Algonquin, proposes to acquire 15,610 shares of Algonquin's additional common stock. Providence Gas Company, another of the present holders of Algonquin's common stock, has waived its preemptive right to purchase any of the additional common stock to be offered by Algonquin; Eastern Gas and Fuel Associates and Texas Eastern Transmission Corporation, the only other stockholders of Algonquin, have indicated that they will purchase, respectively, 18,760 and 14,290 shares of the additional common stock proposed to be offered by Algonquin.

NEGEA states that it contemplates financing the proposed acquisition of the additional shares of Algonquin's common stock by the issuance to banks of short-term notes. In this connection NEGEA requests Commission authorization to issue to banks, from time to time, notes with a maturity of not more than nine months from the date of issue aggregating (together with all other outstanding notes and drafts of a maturity of nine months or less as to which NEGEA is liable) not more than 8 percent of the principal amount and par value of the other securities of NEGEA then outstanding. NEGEA states that its outstanding short-term notes maturing in less than nine months aggregate \$2,605,100 or 4.86 percent of the principal amount and par value of the other outstanding securities of NEGEA.

Algonquin is presently constructing pipeline facilities to supply natural gas to distributing companies in New Jersey, Connecticut, Rhode Island and Massachusetts. Algonquin states that the \$14,600,000 proceeds of the proposed sale of bonds and common stock will be used, together with the \$36,800,000 previously realized from the sale of Algonquin's outstanding securities, plus \$100,000 interest from short-term investments, to meet the presently estimated cost (\$51,500,000) of construction of the company's pipeline, including allowances of \$420,000 for working capital and \$1,164,600 for contingencies.

The filing states that no State commission and no Federal commission other than this Commission has jurisdiction over the proposed transactions.

Algonquin requests an exemption from the competitive bidding requirements of Rule U-50, and joins with NEGEA in requesting that the Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than July 29, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application-declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[P. R. Doc. 52-8087; Filed, July 23, 1952;
8:52 a. m.]

[File No. 70-2902]

DUQUESNE LIGHT CO.

NOTICE OF FILING REGARDING ISSUANCE OF EIGHTY-DAY BANK LOAN NOTE

JULY 18, 1952.

Notice is hereby given that a declaration has been filed with this Commission by Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia Company, a registered holding company. Declarant has designated sections 6 (a) and 7 of the act and Rule U-23 promulgated thereunder as applicable to the proposed transaction, which is summarized as follows:

Duquesne presently has a short-term bank loan indebtedness aggregating \$14,810,000 represented by three notes, each bearing interest at 3 percent per annum. The company proposes in the instant declaration to issue a \$1,000,000 note bearing interest at 3 percent per annum and maturing approximately 80 days

after the date thereof, such note to be issued to Mellon National Bank and Trust Company, of Pittsburgh, Pennsylvania. Duquesne will have the right to prepay such note at any time prior to maturity, without premium. The company proposes to use the proceeds from such note to defray part of the cost of its current construction program involving an estimated total cost of about \$30,000,000 for the year 1952. The company has expressed its intention to pay off all outstanding short-term notes with the proceeds expected to be derived from a permanent financing program now being formulated. It is stated that no fees or expenses will be incurred in connection with the proposed \$1,000,000 borrowing, other than estimated miscellaneous expenses not exceeding \$100.

Declarant states that no State Commission has jurisdiction over the proposed transaction and has requested that the transaction be authorized pursuant to the procedure of Rule U-23, without a hearing, and that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than July 25, 1952, at 1:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 52-8086; Filed, July 23, 1952;
8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27233]

CEMENT FROM KANSAS CITY AND SUGAR
CREEK, MO., TO POINTS IN KANSAS
APPLICATION FOR RELIEF

JULY 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariffs ICC Nos. A-3850 and A-3815.

Commodities involved: Cement, in carloads.

From: Kansas City and Sugar Creek, Mo.

To: Points in Kansas.

Grounds for relief: Competition with rail carriers, competition with motor carriers, to apply rates constructed on

the basis of the short line distance formula.

Schedules filed containing proposed rates: L. E. Kipp, Agent, ICC No. A-3850, suppl. 33; L. E. Kipp, Agent, ICC No. A-3815, suppl. 35.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-8096; Filed, July 23, 1952;
8:55 a. m.]

[4th Sec. Application 27234]

PETROLEUM PRODUCTS AND ASPHALT FROM
POINTS IN MONTANA AND WYOMING TO
POINTS IN MINNESOTA AND WISCONSIN

APPLICATION FOR RELIEF

JULY 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for Chicago, Burlington & Quincy Railroad Company and other carriers.

Commodities involved: Petroleum products and asphalt, tank-car loads.

From: Billings, East Billings, Laurel and Hardin, Mont., Cody, Greybull, Lovell, Thermopolis and Zube, Wyo.

To: Points in Minnesota and Wisconsin.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition, to maintain grouping.

Schedules filed containing proposed rates: C. B. & Q. R. Co., tariff ICC No. 19978, suppl. 141. G. N. Ry. Co., tariff ICC No. A-8015, suppl. 48. N. P. Ry. Co., tariff ICC No. 9658, suppl. 56.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is

found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-8097; Filed, July 23, 1952;
8:55 a. m.]

[4th Sec. Application 27235]

CARROTS AND OTHER VEGETABLES FROM
POINTS IN TEXAS TO POINTS IN OFFICIAL,
SOUTHERN, AND WESTERN TERRITORIES

APPLICATION FOR RELIEF

JULY 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs ICC Nos. 3541 and 3967.

Commodities involved: Carrots and other vegetables, carloads.

From: Points in Texas.

To: Points in official, southern and western territories.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, to apply over short tariff routes rates constructed on the basis of the short line distance formula, compliance with order in docket 30074.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3967; F. C. Kratzmeir, Agent, ICC No. 3541.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-8098; Filed, July 23, 1952;
8:55 a. m.]

[4th Sec. Application 27236]

SAND AND GRAVEL FROM VINCENNES, IND.,
TO FLORA, ILL.

APPLICATION FOR RELIEF

JUNE 21, 1952.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the Baltimore and Ohio Railroad Company.

Commodities involved: Sand and gravel, carloads.

From: Vincennes, Ind.

To: Flora, Ill.

Grounds for relief: Competition with rail carriers, wayside pit competition.

Schedules filed containing proposed rates: B. & O. R. R. Co., tariff ICC No. WL-10839, suppl. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[P. R. Doc. 52-8099; Filed, July 23, 1952;
8:56 a. m.]

[4th Sec. Application 27237]

CRUSHED STONE FROM GEORGIA, IND., TO
FLORA, ILL.

APPLICATION FOR RELIEF

JULY 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the Baltimore and Ohio Railroad Company.

Commodities involved: Crushed stone, carloads.

From: Georgia, Ind.

To: Flora, Ill.

Grounds for relief: Competition with rail carriers, wayside pit competition.

Schedules filed containing proposed rates: B. & O. R. R. Co., tariff ICC No. 23949, suppl. 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application

without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[P. R. Doc. 52-8100; Filed, July 23, 1952;
8:56 a. m.]

[4th Sec. Application 27238]

CRUSHED STONE FROM GEORGIA, IND., TO
IUKA, ILL.

APPLICATION FOR RELIEF

JULY 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the Baltimore and Ohio Railroad Company.

Commodities involved: Crushed stone, carloads.

From: Georgia, Ind.

To: Iuka, Ill.

Grounds for relief: Competition with rail carriers, wayside pit competition.

Schedules filed containing proposed rates: B. & O. R. R. Co., tariff ICC No. 23949, suppl. 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[P. R. Doc. 52-8101; Filed, July 23, 1952;
8:56 a. m.]

[4th Sec. Application 27240]

LIQUID ASPHALT FROM SALISBURY AND
THRIFT, N. C., TO POINTS IN NORTH
CAROLINA AND SOUTH CAROLINA

APPLICATION FOR RELIEF

JULY 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and other carriers.

Commodities involved: Asphalt (asphatum), liquid, in tank-car loads.

From: Salisbury and Thrift, N. C.

To: Points in North Carolina and South Carolina.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, ICC No. 408, suppl. 43.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[P. R. Doc. 52-8103; Filed, July 23, 1952;
8:56 a. m.]

[4th Sec. Application 27241]

CLASS RATES BETWEEN POINTS IN SOUTH
CAROLINA, GEORGIA, TENNESSEE, AND
ILLINOIS

APPLICATION FOR RELIEF

JULY 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent for the Atlantic Coast Line Railroad Company and other carriers.

Commodities involved: Class rates subject to ratings in exceptions to the Classification.

From: Columbia, S. C., to Port Wentworth, Ga., between Charleston, S. C., and points grouped therewith, on the one hand, and Savannah, Ga., on the other, and between Dyersburg, Tenn., and Cairo, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other

than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-8104; Filed, July 23, 1952;
8:57 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18958]

FELIX ROEFFS

In re: Debt owing to Felix Roeffs.
F-28-2464.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Felix Roeffs, whose last known address is Dechaneistrasse 29, Muenster/Vestfalen, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Felix Roeffs, by the American Express Company, 65 Broadway, New York, New York, in the amount of \$5,000.00, as of June 25, 1952, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Felix Roeffs, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-7990; Filed, July 21, 1952;
8:53 a. m.]

[Vesting Order 18960]

CERTAIN UNKNOWN GERMAN NATIONAL

In re: Debt owing to unknown German national.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the person who owns the property described in subparagraph 2 hereof, who if an individual there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, was, a resident of Germany and which if a partnership, corporation, association or other business organization, there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, was, organized under the laws of or had its principal place of business in Germany is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation evidenced by a check drawn on the Manufacturers Trust Company, 707 Fifth Avenue, New York, New York, payable to Francis X. Mayr, said check dated August 18, 1938, in an amount of \$250.00, and presently in the custody of the Manufacturers Trust Company, 55 Broad Street, New York, New York, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said check,

is property which is and prior to January

1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8124; Filed, July 23, 1952;
8:57 a. m.]

[Vesting Order 18899, as Amended, Amdt.]

ALBERT BENZ ET AL.

In re: Securities owned by Albert Benz, also known as Albert Bens, and others.

Vesting Order 18899, as amended, dated June 18, 1952, is hereby further amended as follows and not otherwise:

By deleting from Exhibit C, attached to and made a part of Vesting Order 18899, as amended, the figures "3-1-41" wherever they appear and substituting therefor the figures "7-1-41".

All other provisions of said Vesting Order 18899, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 18, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8125; Filed, July 23, 1952;
8:57 a. m.]